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HOUSE OF REPRESENTATIVES

of the

GENERAL ASSEMBLY

of the

COMMONWEALTH OF KENTUCKY

Regular Session of 1974

Volume II

Held in the State Capitol in the Capital City of Frankfort, at
Frankfort, in the Year of Our Lord 1974, and
in the One Hundred and Eighty-second
Year of the Commonwealth

Begun on the Eighth Day of January, 1974, and Adjourned
Sine Die on the Twenty-second Day of March, 1974

Paid from State Funds

232; Karem, No. 1 to **HB 529**; Kafoglis, No. 2 to **HB 68** and No. 3 to **HB 600**; Donnermeyer, No. 3 to **HB 641**; Kenton, No. 1 to **HB 483**; Hopkins, Nos. 4, 5, 6 to **HB 288**; Donnermeyer, No. 4 to **HB 641**; Stewart, No. 3 to **HB 655**; Beshear, No. 1 to **HJR 44.**

Adjournment

Representative Swinford moved that the House adjourn until 2:00 P.M., Tuesday, March 5, 1974.

On the roll call the vote was yeas 57-Arnold, Bennett, Benson, Beshear, R. Brown, Bruce, Chandler, Clapp, Crupper, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Harris, Head, Hellard, Holbrook, Hopkins, Hughes, Hurst, Isler, Kafoglis, King, Kleier, Lindsay, Little, Louden, Mann, Mason, Maynard, McBee, McBrayer, McGill, Overstreet, Paxton, Priddy, Quickert, Romines, Sale, Schmaedecke, Siemens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, G. White, J. White, Whitfield, Wible, Yates. Nays 4-Karem, Lewis, Richardson, Schmidt.

The motion to adjourn was adopted.

TUESDAY, MARCH 5, 1974

FORTY-FIFTH LEGISLATIVE DAY

The House was called to order by Speaker Blume.

Prayer by Reverend J. T. Harmon, First United Methodist Church, Frankfort.

The roll was called. All present except Representatives E. Brown, Hinkle and Imes.

Representative Isler moved that absent members be granted leave of absence in accordance with the rules of the House. Agreed.

The following members filed excuses: E. Brown, Hinkle and Imes.

Representative Hughes moved that the reading of the Journal of March 4, 1974, be dispensed with and the same approved. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 24, HB 26, HB 36, HB 87, HB 88, HB 251** and **HB 316** has been examined and found correctly enrolled. **HB 24, HB 26, HB 36, HB 87, HB 88, HB 251,** and **HB 316** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 24, HB 26, HB 36, HB 87, HB 88, HB 251, and **HB 316** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Introduction of Bills and Resolutions

HB 778, by Representative Wells: AN ACT relating to employes of the common schools.

HB 779, by Representatives Whitfield and Bruce: AN ACT relating to taxation of pari-mutuel betting and prescribing that certain revenues collected thereby shall be used for the detection and treatment of diseases and infirmities in children.

HB 780, by Representative Mason: AN ACT relating to rabies control.

HB 781, by Representative Kidd: AN ACT relating to public housing.

HB 782, by Representatives Isler and Dietz: AN ACT relating to liability of parents for vandalism or assaults by their children.

HB 783, by Representatives Isler and Dietz: AN ACT relating to joint checking and savings accounts.

HB 784, by Representative Clarke: AN ACT relating to energy.

HB 785, by Representative Clarke: AN ACT relating to finances and the common schools.

HB 786, by Representative Morgan: AN ACT relating to the common schools.

HB 787, by Representatives Holbrook, R. Brown, Hardin and McBrayer: AN ACT relating to state legislative districts.

HB 788, by Representative Graves: AN ACT relating to the compensation of county officials.

HB 789, by Representative McGill: AN ACT relating to controls with government agencies.

HB 790, by Representative Chandler: AN ACT relating to city civil service.

HJR 80, by Representatives Davis, Beshear, Clarke, DeMarcus, Freeman, Hellard, Holbrook, McBride, Robinson, Whitfield and Wible: A JOINT RESOLUTION directing the Kentucky Department of Revenue to prepare during the interim for submission to the 1976 General Assembly revisions to the current Kentucky income tax law.

Report of Committees

The Committee on Rules reported the following Bills and Resolutions have been posted for passage in Orders of the Day, March 6, 1974: **HB 190** with Committee Substitute attached thereto, **HB 220, HB 588, HB 68** with Committee Substitute attached thereto, **HB 353** with Committee Amendment attached thereto, **HB 648, HB 702, HR 53, HB 552, HB 100** with Committee Substitute attached thereto: **HB 426, HB 546, HB 622, HB 672,** and **SR 16.**

The Committee on Rules reported **HB 83** has been recommitted to the Committee on State Government for further consideration in light of the reorganization of state government.

The Committee on Rules reported **HB 272** has been recommitted to the Committee on Appropriations and Revenue for study of cost of reprinting state literature.

The Committee on Rules reported **HB 294,** with Committee Amendment attached thereto, has been recommitted to the Committee on Appropriations and Revenue for study of fiscal implication.

The Committee on Rules reported **HR 27** has been recommitted to the Committee on State Government for further study.

The Committee on Appropriations and Revenue reported **SB 45** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 45, AN ACT relating to credits against the highway motor fuel use tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 138.695 is amended to read as follows:

(1) Every licensee subject to the tax imposed by subsections (1) and (2) of KRS 138.660 shall be entitled to a credit for each quarterly period [beginning on and after July 1, 1972,] equivalent to nine cents per gallon on gasoline, [and] nine cents per gallon on special fuels *and nine cents per gallon on liquified petroleum gas* purchased by such licensee during such period for use in its operations, provided such gasoline, [and] special fuels *and liquified petroleum gas* were purchased in Kentucky during the same period and the tax imposed by KRS 138.220, [and KRS] 138.565 *and 234.320* has been paid. Evidence of the payment of such tax in such form as may be required by or satisfactory to the department shall be furnished by each such licensee claiming the credit herein allowed.

(2) The department shall at the close of each quarterly period, ending September 30, December 31, March 31, and June 30, compute all credits granted by the department during such quarter, which credits shall be except as provided in subsection (3), applied only to taxes due on the report filed for the next quarter.

(3) If the credit or credits referred to in subsections (1) and (2) would expire solely by reason of the lapse of time allowed in subsection (2), then the balance of any credit shall be refunded to the licensee, to the extent of ninety percent of such balance, provided application therefor and all necessary information shall be filed with the department within sixty days after the time the credit would otherwise expire as provided in subsection (2) except a credit shall not be refunded to the licensee, where, as estimated by the department, the cost to the department of making the refund would exceed the amount of the refund.

(4) In order to facilitate administration of the credits and refunds allowed herein, the department shall prescribe what records must be kept by the licensee or any other person and the department shall also prescribe the form and content of said records and any reports to be made relative thereto.

The Committee on Education reported **HB 263, HB 329** with Committee Substitute and Committee Amendment attached thereto, **HB 538, HB 717,** and **SB 73** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 263, AN ACT relating to the testing of children entering the first grade for tuberculosis.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 215.520 is amended to read as follows:

The director of the division shall be a duly qualified physician, licensed to practice medicine in Kentucky and shall have had at least five (5) years' experience in the diagnosis, treatment, and control of tuberculosis. The state department of health, through its division of tuberculosis control, shall discharge all duties relating to all matters of tuberculosis control, including but not limited to the following:

(1) The operation of all hospitals previously operated by the state tuberculosis hospital commission, or such of them as it determines to be necessary for the care of persons needing treatment for tuberculosis;

(2) The treatment of persons having tuberculosis in hospitals not operated by the commonwealth, by contract or other suitable arrangement and the payment therefor;

(3) The construction of additional facilities for the treatment of tuberculosis in cooperation with, or as a part of, privately or publicly owned hospitals;

(4) The operation of a system of out-patient clinics and x-ray facilities, adequately supported by high quality laboratory facilities;

(5) The provision of training for employes;

(6) The supervision of activities of all local health departments regarding tuberculosis control[;] *,including the administration of tuberculosis tests to school-age children entering the first grade.*

(7) The recommendation of regulations to the state board of health for adoption for tuberculosis control;

(8) The maintenance of a central register of all known cases of tuberculosis in the commonwealth, and such local registers as are desirable, and the collection, collation, analysis and publication of statistics and other information;

(9) The establishment and supervision of tuberculosis programs in cooperation with the department of mental health, department of corrections, department of education, department of economic security and other state agencies within their respective jurisdictions;

(10) The establishment within the tuberculosis control division of appropriate social service and financial responsibility appraisal methods to insure that tuberculosis patients or suspects receive all possible support from third-party payors, or from the medical assistance program before becoming a charge against the tuberculosis control funds of the commonwealth;

(11) The dissemination of educational materials to the citizens of the commonwealth regarding tuberculosis and its control;

(12) The initiation of special programs and demonstrations in cooperation with agencies of the federal government, universities, voluntary agencies and other individuals or corporations;

(13) The provision of direct assistance to local health departments, to other agencies of state government, and to other organizations to assist them in carrying out programs of tuberculosis control;

(14) Except as otherwise provided by law, to do all other things reasonably necessary to carry out the intent of KRS 215.510 to 215.600.

Section 2. KRS 158.035 is amended to read as follows:

Except as otherwise provided in KRS 214.036, no child shall be eligible to enroll as a student in any public or private elementary or secondary school without first presenting a certificate from a duly licensed medical or osteopathic physician stating that the child has been immunized against diphtheria, tetanus, poliomyelitis, and measles in accordance with the provisions of this section and KRS 214.010, 214.020, 214.032 to 214.036 and 214.990 and the regulations of the State Board of Health*; nor shall a child be eligible for enrollment without having first been tested for tuberculosis*. The governing body of private and public schools shall enforce the provisions of this section.

HB 329, AN ACT relating to improvement of education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 157 is created to read as follows:

There shall be a Commission on Improvement of Educational Quality in Kentucky whose members shall be as follows:

(1) The State Superintendent of Public Instruction shall appoint fourteen (14) members as follows:

(a) The superintendents of the five (5) largest public school districts in the state;

(b) The superintendents of the three (3) smallest public school systems in the state;

(c) The superintendents of the three (3) largest private school districts in the state;

(d) Three additional members to be determined by the State Superintendent of Public Instruction.

(2) The President of the Senate shall appoint the chairman of the Senate standing committee on education and three additional members of the Senate.

(3) The Speaker of the House of Representatives shall appoint the chairman of the House standing committee on education and three additional members of the House of Representatives.

(4) Each individual appointment shall be for a period of two (2) years, except that one-half of the initial appointments shall be for one (1) year and that the terms of the members of the General Assembly shall not exceed their terms of office. Members may serve successive terms if reappointed in the manner prescribed for membership. Vacancies shall be filled as they occur in a manner consistent with the provisions for initial appointments.

(5) The chairman shall be appointed by the Speaker of the House of Representatives and shall serve as chairman for one (1) year unless reappointed.

Section 2. The duties of the Commission on Improvement of Educational Quality shall include, but not be limited to the following:

(1) Develop criteria for the determination of improvement of quality of education in all public and private elementary and secondary schools in the Commonwealth and procedures for submission by such schools of applications for educational improvement awards;

(2) Review award applications and determine which schools shall be granted educational improvement awards;

(3) Certify to the State Superintendent of Public Instruction the schools to receive educational improvement awards;

Section 3. The Commission on Improvement of Educational Quality shall certify to the State Superintendent of Public Instruction not later than July 1, 1975, the schools to receive educational improvement awards for the 1974-1975 school year. The State Superintendent of Public Instruction shall, within the 1975-76 school year, allot to any public school district or any private school or private school system containing a school or schools receiving an educational improvement award the sum of $10 per pupil in average daily attendance in the 1974-75 school year in each school receiving the award.

Section 4. There is appropriated from the General Expenditure Fund to the Department of Education $5,000,000 in fiscal year 1975-76 to be used for the purpose of carrying out the provisions herein.

The Committee Substitute to **HB 329** is as follows:

HB 329, AN ACT relating to the improvement of education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 157 is created to read as follows:

There shall be a Commission on Improvement of Educational Quality in Kentucky whose members shall be as follows:

(1) The State Superintendent of Public Instruction shall appoint fourteen (14) members, at least eight (8) of whom shall be superintendents of common school districts and two (2) of whom shall be superintendents of private school systems. No more than two (2) of these members shall sit from the same county.

(2) The President of the Senate shall appoint the chairman of the Senate standing committee on education and three (3) additional members of the Senate.

(3) The Speaker of the House of Representatives shall appoint the chairman of the House standing committee on education, the two (2) vice-chairman of the House standing committee on education, and three (3) additional members of the House of Representatives.

(4) Each individual appointment shall be for a period of two (2) years, except that one-half of the initial appointments shall be for one (1) year and that the terms of the members of the General Assembly shall not exceed their terms of office. Members may serve successive terms if reappointed in the manner prescribed for membership. Vacancies shall be filled as they occur in a manner consistent with the provisions for initial appointments.

(5) The chairman shall be appointed by the Speaker of the House of Representatives and shall serve as chairman for one (1) year unless reappointed.

Section 2. A new section of KRS Chapter 157 is created to read as follows:

The duties of the Commission on Improvement of Educational Quality shall include, but not be limited to the following:

(1) Develop criteria for the determination of improvement of quality of education in all public and private elementary and secondary schools in the Commonwealth and procedures for submission by such schools of applications for educational improvement awards;

(2) Review award applications and determine which schools shall be granted educational improvement awards;

(3) Certify to the State Superintendent of Public Instruction the schools to receive educational improvement awards.

Section 3. A new section of KRS Chapter 157 is created to read as follows:

The Commission on Improvement of Educational Quality shall certify to the State Superintendent of Public Instruction not later than July 1, 1975, the schools to receive educational improvement awards for the 1974-1975 school year. The State Superintendent of Public Instruction shall, within the 1975-76 school year, allot to any public school district or any private school or private school system containing a school or schools receiving an educational improvement award the sum of $10 or less per pupil in average daily attendance in the 1974-75 school year in each school receiving the award. Any recipient district, school, or system shall agree as a condition of receipt of any award to utilize the award to continue the program or innovation for which the award was given or to institute one (1) or more new programs to improve educational quality. Any portion of the award not so utilized shall revert to the General Fund.

Section 4. A new section of KRS Chapter 157 is created to read as follows:

In the event that the amount of monies appropriated during the fiscal year are insufficient for the payment of the grants provided for herein, payment shall be made in that proportion that the total amount of such payments bears to the total amount of money available for payment.

Section 5. There is appropriated from the General Expenditure Fund to the Department of Education $1,000,000 in fiscal year 1975-76 to be used for the purpose of carrying out the provisions herein.

The Committee Amendment to the Committee Substitute to **HB 329** is as follows:

Amend printed copy of Committee Substitute for House Bill 329 page 3, lines 1 through 26, by deleting lines 1 through 26 in their entirety, and by adding in lieu thereof the following:

"(4) Upon receipt of certification of the schools to receive educational improvement awards, the Superintendent of Public Instruction shall issue an appropriate document recognizing each of the schools so

honored. Such document shall be issued prior to September 1 of the following year, that year then being the year for which the school is so recognized."

page 4, lines 1 through 4, by deleting lines 1 through 4 in their entirety.

HB 538, AN ACT relating to the instruction of alcohol and drug use.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 158 is created to read as follows:
This Act shall be known as "The Alcohol and Drug Education Act of 1974."
Section 2. A new section of KRS Chapter 158 is created to read as follows:
The Department of Education shall administer the Alcohol and Drug Education Act of 1974, pursuant to regulations adopted by the State Board of Education. In administering this Act, the Department of Education shall take into consideration the advice of the Secretary for Human Resources or his designated representative, the Kentucky Commission on Alcohol and Drug Problems, or its successor body, and the Interagency Council on Alcohol, Drugs, and Occupational Problems.
Section 3. A new section of KRS Chapter 158 is created to read as follows:
(1) Instruction on the effects of the use of alcohol and drugs and the problems which may result in the periodic, habitual, and chronic use of alcohol and drugs shall be conducted in the elementary and secondary schools in the following manner:
(a) In grades one through six, in conjunction with courses given on health, science, or social studies; and
(b) In grades seven through twelve, in conjunction with courses given on health or in any appropriate area of study.
(2) Such instruction shall be sequential in nature and suited to meet the needs of the students at their respective grade level.
Section 4. A new section of KRS Chapter 158 is created to read as follows:
The Department of Education shall develop a comprehensive state-wide program on alcohol and drug education by assuming the following functions:
(1) Assist in the development of model curricula for the public schools on drug education and the effects of the use of alcohol, restricted dangerous drugs, as defined in Chapter 218A of the Kentucky Revised Statutes, and other dangerous substances;
(2) Identify innovative teaching methods for the instruction of alcohol and drug education in the public schools;
(3) Develop methods of evaluating the effectiveness of instruction in alcohol and drug education;
(4) Assist school districts in conducting teacher in-service education programs on alcohol and drug education;
(5) Assist teacher education institutions in the development of courses on alcohol and drug education;
(6) Administer pilot projects on alcohol and drug education in the schools and conduct teacher in-service education; and
(7) Assist the Bureau for Health Services, Department for Human Resources, in the development of alcohol and drug education programs which will include parents, students, community health agencies, law enforcement agencies, and other community groups. This program shall emphasize the development of coordinated school-community programs relative to alcohol and drug education.
Section 5. A new section of KRS Chapter 158 is created to read as follows:
The Department of Education shall develop and establish an alcohol and drug education training program for public school teachers and administrators to provide training at the local district level. Regional training programs for school districts, teams of teachers, administrators, and school students shall be made available by the Department of Education; community representatives may be invited, working through county alcohol-drug education committees.
Section 6. A new section of KRS Chapter 158 is created to read as follows:
The governing board of each local school district shall adopt a policy regarding an alcohol and drug education program by resolution in accordance with guidelines approved by the State Board of Education and consistent with the provisions of this Act, specifying among other things, the curriculum to be utilized in teaching alcohol and drug education, provisions for in-service training and curriculum assistance to teachers, and responsibility of certified personnel in identification, counseling, and medical referral of pupils.

Section 7. A new section of KRS Chapter 158 is created to read as follows:

Nothing in this Act shall be interpreted as prohibiting any local school district, superintendent, principal, teacher, or counselor from inviting qualified persons in the field of alcohol and drug education from outside the school system to assist the teacher in classroom programs or to present programs to all or any part of the student body.

Section 8. KRS 158.270 is repealed.

HB 717, AN ACT relating to higher education scholarships.

WHEREAS, the Armed Forces of the United States are currently engaged in an all volunteer enlistment program; and

WHEREAS, the General Assembly recognizes the importance of highly skilled and educated personnel to the continuation of the long-standing excellence of the military units of our nation; and

WHEREAS, it is the declaration of the General Assembly that it is essential for the national defense and the defense of the Commonwealth that among the residents of Kentucky receiving higher education, provisions should be made for additional student enrollment in Reserve Officer's Training Corps instruction; and

WHEREAS, increased enrollment in Reserve Officer's Training Corps instruction may be obtained, and at the same time provide assistance to Kentucky students desiring to pursue a program of higher education, by providing scholarships to eligible residents to encourage their participation in the Reserve Officer's Training Corps;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 164 is created to read as follows:

As used in this Act, unless the context otherwise requires:

(1) "Reserve Officer's Training Corps" means any program of instruction provided on the campus of any state college or university for the purpose of training future military officers, regardless of the branch of the United States Armed Forces offering such instruction;

(2) "Eligible resident" means those students at state colleges and universities who are residents of the Commonwealth of Kentucky, as determined by the respective institution, whose scholastic standing will enable them to enroll in the Reserve Officer's Training Corps program available at the institution;

(3) "Authority" means the Kentucky Higher Education Assistance Authority.

Section 2. A new section of KRS Chapter 164 is created to read as follows:

(1) Eligible residents of the Commonwealth shall receive scholarships equal to the amount required for tuition and registration and matriculation fees at the institution of higher education at which the student has been accepted for enrollment or is enrolled upon his or her acceptance into the Reserve Officer's Training Corps program provided at the particular institution; however, in no case shall the number of scholarships provided by any single institution exceed one scholarship for each 500 students enrolled in the institution on a full-time basis. In the event that more students apply for scholarships under provisions of this Act at any single institution than is allowable at the rate of one for each 500 students the institution shall determine the recipients on a competitive basis to be established by the chief executive officer of the institution and the director of Reserve Officer's Training Corps programs at the institution.

(2) Scholarships issued under provisions of this Act may be used at those state colleges and universities offering instruction in Reserve Officer's Training Corps programs for the period during which the eligible resident is enrolled in the program.

(3) Any eligible resident who is awarded a scholarship under provisions of this Act shall be reimbursed by the appropriate institution of higher education for any tuition and matriculation and registration fees which he or she has paid and for which exemption is granted, provided that application for such reimbursement is made to the appropriate financial officer of the institution within two months following the beginning of the school term for which the fees were paid.

(4) Any eligible resident who receives a scholarship under the provisions of this Act who satisfies to the chief administrative officer of the college or university, or to someone designated by him, that he requires a leave of absence while in attendance, on account of illness, accident, or military service, may be granted such leave and allowed a period not to exceed six years in which to complete his course of instruction at the institution. Upon readmission to the institution, following such leave, the eligible resident shall again be awarded the benefits of the scholarship, provided he or she continues to qualify for instruction in the Reserve Officer's Training Corps program.

Section 3. A new section of KRS Chapter 164 is created to read as follows:

(1) To administer the provisions of this Act, the institution of higher education to which the eligible resident applies for admission, or in which he or she is enrolled, shall provide a waiver of tuition and registration and matriculation fees for each school term for which the student qualifies and is admitted to instruction in the Reserve Officer's Training Corps program.

(2) The respective institutions granting waiver of tuition and fees under provisions of this Act shall submit a list of those persons receiving such waiver and the total amount of funds involved to the Kentucky Higher Education Assistance Authority within two months following the beginning of each school term in which such waiver is granted. The authority shall provide in its biennial budget request to the General Assembly an amount equal to the total fund receipts waived by the institutions under the provisions of this Act, plus an amount to cover the necessary expenses to administer such provisions, and shall reimburse the respective institutions for such amounts. The authority shall provide for such reimbursement in its 1976-78 biennial budget and for each biennium thereafter.

SB 73, AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 157.350 is amended to read as follows:

Each district which meets the following requirements shall be eligible to share in the distribution of funds from the public school foundation program funds:

(1) Employs and compensates all teachers for not less than 185 days, Provided, That the state board of education, upon recommendation of the superintendent of public instruction, shall prescribe procedures whereby this requirement may be reduced during any year for any district which employs teachers for less than 185 days, in which case the eligibility of a district for participation in the public school foundation program shall be in proportion to the length of time teachers actually are employed;

(2) Operates all schools for a term as provided in KRS 158.070 and regulations of the state board of education, Provided, however, That if the school term is less than 185 days for any reason approved by the state board of education on recommendation of the superintendent of public instruction the eligibility of a district for participation in the public school foundation program fund shall be in proportion to the length of term the schools actually operate;

(3) Compensates all teachers on the basis of a single salary schedule and in conformity with the provisions of KRS 157.310 to 157.440;

(4) Makes the required local tax effort except as otherwise provided by subsection (3) of KRS 157.400;

(5) Includes no nonresident pupils in its average daily attendance, except by written agreement with the district of the pupils' legal residence.

(6) Any secondary school which maintains a basketball team for boys for other than intramural purposes, shall maintain the same for girls.

(7) Any school district which fails to comply with subsection (6) shall be prohibited from participating in varisty competition in any sport for 1 (one) year. Determination of failure to comply shall be made by the Department of Education after a hearing requested by any person within the school district. A district under this subsection shall, at such hearing, have an opportunity to show inability to comply.

The Committee on Cities reported **HB 392, HB 605, HB 665, HB 671,** and **HB 679** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 392, AN ACT relating to motor carriers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 281.635 is amended to read as follows:

Notwithstanding anything contained in this chapter:

(1) All cities of the commonwealth are vested with the power to sell franchises or, where no franchise is sold, grant authorizations for the operation of city buses over their streets and highways; Provided, however, no person shall apply for or obtain any such franchise or authorization from any city without a prior finding

by the department, after a hearing, that there is a demand and necessity for the service sought to be rendered, which finding shall be valid and effective for a period of one (1) year from and after the date thereof, exclusive of any delay due to the order of any court. Upon certification by the department to such city that there is a demand and necessity for the service sought to be rendered, any city may award any duly qualified person a franchise or authorization covering the proposed operation. Upon acquiring such a franchise or authorization, the holder thereof shall apply to the department of [motor] transportation for a city bus certificate which shall be issued to the holder of the franchise or authorization without a hearing. *The governing body of any city of the first three classes which does not have a city bus service, may determine that there is a demand and necessity for a city bus service, and may thereafter apply to the department of transportation for a city bus certificate to be operated by said city which may be issued without a hearing, provided that the department determines that it will be in the public interest.* Unless a certificate is exercised within one (1) year from the grant thereof, exclusive of any delay due to the order of any court, the authority conferred by the issuance of the certificate of convenience and necessity shall be void.

(2) The applicant for a certificate or renewal of a certificate to operate a city bus shall at the time of application file with the department a map or maps showing the route or routes and territory proposed to be served, together with a time schedule, and shall thereafter, during the license year, file only such additional maps or time schedules as the commissioner may require.

(3) The governing body of any city of the first four (4) classes in the commonwealth in which city buses operate shall have supervisory and regulatory power over such city buses, while operating in such city, and shall have authority to enforce all ordinances or regulations pertaining to routes, services, time schedules and operation of said city buses and the drivers thereof, provided that any interested party may appeal to the department from any action, finding or order of any such city within thirty (30) days after the entry of such action, finding or order, and a hearing shall be held before the department in the same manner as other hearings are held as provided for in this chapter; Provided, however, That any such action, finding or order of any such city shall be sustained if there is substantial evidence or reason to support it; otherwise the department shall make such orders as it deems necessary and proper. However, where a carrier's entire operation is confined to intracity transportation within the corporate limits of a single city, there shall be no appeal to the department from the actions, findings or orders of such a city. Provided further, That where any city bus is subject to the regulatory powers of more than one (1) city and such regulations are in conflict or such as to impede the transportation facilities serving such cities, or the carrier is failing to furnish safe, adequate and convenient service to the public, the department may, upon complaint or on its own initiative, call a hearing and enter such orders as are necessary and proper.

(4) The governing body of any city of the first five (5) classes in the commonwealth in which taxicabs operate shall have supervisory and regulatory power over taxicabs certificated to operate in said city, and while operating in said city, and shall have authority to enforce all ordinances or regulations pertaining to the number and operation of taxicabs, provided that any interested party may appeal to the department from any action, finding or order of any city within thirty (30) days after the entry of such action, finding or order, and a hearing shall be held before the department in the same manner as other hearings are held as provided for in this chapter; Provided, however, That any such action, finding or order of any such city shall be sustained if there is substantial evidence or reason to support it; otherwise the department shall make such orders as it deems necessary and proper. However, where a carrier's entire operation is confined to intracity transportation within the corporate limits of a single city, there shall be no appeal to the department from the actions, findings or orders of such a city.

(5) The governing body of any city of the first five (5) classes in the commonwealth is hereby vested with the exclusive power to prescribe the qualifications with respect to the health, vision, sobriety, intelligence, ability, moral character and experience of the drivers of taxicabs certificated to operate in said city, and while operating in said city, and may issue permits for qualified drivers. However, any taxicab driver must also possess a Kentucky operator's license.

(6) Until such time as any city of the commonwealth enacts such ordinances or prescribes such rules and regulations as may be reasonably necessary to exercise the prior powers herein delegated to such cities respecting the supervision and regulation of city buses, taxicabs and taxicab drivers, the department shall possess such powers and may, by regulation, prescribe such rules as may be reasonably necessary to supervise and control city buses, taxicabs and taxicab drivers, having regard for the public safety and the public need for service.

(7) If any city fails to exercise any of the authority granted it herein, such authority shall be vested in the department.

(8) [The power to regulate rates fixed by agreement with a city.] The department may, under the provisions of this chapter, originate, establish, change, promulgate and enforce any rate that has or may be fixed by any contract, franchise or agreement between the holder of any city bus certificate and any city, and all rights and obligations arising out of such contract regulating any such rate shall be subject to the jurisdiction and supervision of the department, but no such rate shall be changed nor any contract, franchise

or agreement affecting it be abrogated or changed until a hearing has been had.

HB 605, AN ACT relating to area planning commissions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 147 is created to read as follows:
The provisions of KRS 147.610 to 147.710 shall be construed to confer on area planning commissions created under authority of this chapter advisory capacity only.

HB 665, AN ACT changing the classification of the City of Independence in Kenton County.
WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Independence in Kenton County is such to justify its being classified as a city of the fifth class;
NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The City of Independence in Kenton County is transferred from the sixth to the fifth class of cities.

HB 671, AN ACT relating to police courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 23.032 is amended to read as follows;
(1) The defendant may appeal from a judgment of a county, quarterly, justice's or *city* [police] court imposing a fine or confinement, or both, to the circuit court of the county in which the judgment was rendered.
(2) The commonwealth or city shall have no right of appeal to the circuit court from judgments of courts of inferior jurisdiction except that a city may appeal where the validity of an ordinance is in issue. After a decision has been rendered in the circuit court on the city's appeal either the city or the defendant may appeal from the circuit court to the Court of Appeals.
Section 2. KRS 25.014 is amended to read as follows:
The right of the accused to a trial by a jury in a criminal prosecution in the county, quarterly and justices' courts shall be governed by the statute providing for jury trial of prosecutions in the *city* [police] court of the city of the highest class located in the county.
Section 3. KRS 25.040 is amended to read as follows:
In quarterly courts, county courts, *city* [police] courts, and courts of justices of the peace, only one (1) docket is required to be kept, on which shall be entered all the actions and motions as they shall be returned. Each presiding judge and justice of the peace shall, in a book provided for that purpose, keep a full and fair record of judicial proceedings in his court; and keep a good cross index of the names of the litigants, referring to the pages of the book of every entry in each case.
Section 4. 25.045 is amended to read as follows:
If the record of a judgment of a quarterly, city, [police], mayor's or justice's court be lost or destroyed, such court may, on motion of the plaintiff, made within five (5) years after the rendition of the judgment, and after five (5) days' notice, render a new judgment for what may remain due thereon.
Section 5. KRS 25.070 is amended to read as follows:
Appeals from quarterly courts, county courts, *city* [police] courts and courts of justices of the peace shall be docketed and stand for trial as other civil actions, and shall be tried anew, as if no judgment had been rendered. The appeal shall be taken as required by the Rules of Civil Procedure or as required by any applicable statute.

Section 6. KRS 25.410 is amended to read as follows:

In civil cases the quarterly court has jurisdiction concurrent with justice's and *city* [police] courts of all actions within its county for the recovery of money or personal property, where the value in controversy is five hundred dollars ($500) or under, exclusive of interest and costs, and concurrent jurisdiction with circuit courts of all such actions where the value in controversy is over fifty (50) and not more than five hundred dollars ($500), exclusive of interest and costs.

Section 7. KRS 25.440 is amended to read as follows:

Appeals may be taken to the quarterly court from all judgments and orders of justices', fiscal and *city* [police] courts in civil cases. In all cases involving a question of exemption, appeal shall be granted to the defendant without the execution of the bond required in other appeals.

Section 8. KRS 26.010 is amended to read as follows:

Except as provided in KRS 167.990, 208.020, subsection (4) of 208.990 and 242.990, *city* [police] courts in cities of every class have jurisdiction exclusive of circuit courts in all penal and misdemeanor cases where the punishment is limited to a fine of not more than twenty dollars ($20.00), jurisdiction concurrent with circuit courts of all penal and misdemeanor cases where the punishment is limited to a fine of not more than five hundred dollars ($500), or imprisonment not exceeding twelve (12) months, or both, and exclusive jurisdiction of all violations of city ordinances occurring within the city limits.

Section 9. KRS 26.020 is amended to read as follows:

(1) In cities of the first class, the *city* [police] court has exclusive jurisdiction as an examining court of all public offenses committed within the city limits.

(2) In cities of the second, third, fourth, fifth and sixth classes, the *city* [police] court has jurisdiction as an examining court of all public offenses committed within the city limits, except homicide.

Section 10. KRS 26.030 is amended to read as follows:

In cities of the fourth and fifth classes, and in cities of the sixth class having a population of 250 or more, the *city* [police] court has civil jurisdiction coextensive with the county and equal to that of justices.

Section 11. KRS 26.035 is amended to read as follows:

KRS 25.015, 25.020 and 25.035 to 25.070 apply to *city* [police] courts having civil jurisdiction.

Section 12. KRS 26.040 is amended to read as follows:

If, in any action in the *city* [police] court of a city of the fourth class, an adjudication upon the question of title to real estate or the enforcement of a lien upon real estate is necessary to a final settlement of the controversy, the court shall at once make an order transferring the action to the circuit court of the county, and cause the original papers in the case, together with a transcript of all orders made therein, to be filed in the office of the circuit clerk, and the action shall then proceed in the circuit court as if originally brought there. The clerk of the *city* [police] court shall receive a fee of one dollar ($1.00) for every case so transferred, together with his legal fees for making the transcript, both to be taxed as costs against the unsuccessful party.

Section 13. KRS 26.050 is amended to read as follows:

(1) In cities of all classes, the *city* [police] court shall always be open for the trial of criminal and penal cases, and in cities of the fourth class the court shall always be open for the trial of civil cases.

(2) In cities of the fifth and sixth classes, the *city* [police] judge shall hold monthly terms of his court for civil cases, the terms to be fixed by the city legislative body.

Section 14. KRS 26.060 is amended to read as follows:

In cities of the first four classes, the *city* [police] court shall be held in the room provided by the city legislative body. If no room is provided or if the room cannot be used, the court shall be held at a place within the city selected by the judge.

Section 15. KRS 26.070 is amended to read as follows:

(1) No order or judgment of the *city* [police] court in cities of the first class shall be modified, set aside or annulled, except on motion made in open court within three (3) days from the date of entry of the order or judgment and passed upon in open court, during the regular hours of the court, by the judge who tried the case. The motion shall be accompanied by written reasons, and the grounds for modifying, setting aside or annulling the order or judgment shall be stated briefly and accurately by the judge from the bench and recorded by the clerk in the order book.

(2) The judge may, at any time and place, suspend for twenty-four (24) hours, but no longer, the execution of any order or judgment.

(3) The court shall have control over its orders and judgments for ten (10) days after their entry, and no longer.

Section 16. KRS 26.130 is amended to read as follows:

The officers of the *city* [police] court in cities of the first class shall be a judge, a prosecuting attorney and a clerk.

Section 17. KRS 26.140 is amended to read as follows:

The judge of the *city* [police] court in cities of the first class shall have the qualifications and take the oath required of circuit judges. The judge shall devote his whole attention to the duties of his court. He shall have each year a vacation of two (2) months. Subject to KRS 26.300, the judge may adopt rules and regulations for conducting the business of his court, and may enforce them by process of contempt. He shall have all powers necessary to try cases coming under his jurisdiction. He may administer oaths, and shall be a conservator of the peace. His salary shall be fixed by ordinance, and paid at the same time and in the same manner as the salaries of other city officers.

Section 18. KRS 26.150 is amended to read as follows:

(1) In cities of the second class the *city* [police] court shall have one judge. He shall receive an annual salary of not more than $12,600 to be fixed by ordinance, and no other compensation except the fees allowed to judges for holding examining trials in felony cases. He shall have each year a vacation of one month. No person shall be eligible to be *city* [police] judge unless at the time of his election he is at least twenty-five years of age and has been a resident of the city for at least four years, and is an attorney at law.

(2) The provisions of this section shall not apply to persons who are serving as *city* [police] judges on June 16, 1972, and who remain in the present position or who are continuously re-elected to the position without any lapse in service.

Section 19. KRS 26.160 is amended to read as follows:

Whenever the *city* [police] judge in a city of the second class receives information on oath of any rout or unlawful assembly, or any assembly for the purpose of gaming, he may issue his warrant to arrest all such offenders, directed to the sheriff or any constable of the county, or to the police of the city, or if no officer is at hand to serve the warrant, then to such discreet persons as he may appoint, returnable before some justice of the county, on which warrant the officer or other person shall arrest and bring before the justice all persons found so assembled. Any citizen of the city and county shall, if summoned, attend the officer or other person to assist in making such arrests.

Section 20. KRS 26.170 is amended to read as follows:

The *city* [police] court in cities of the third class shall have one (1) *city* [police] judge. The judge shall enter upon the discharge of the duties of his office on the first Monday in January next after his election. He shall receive an annual salary of six thousand dollars ($6,000) unless the city legislative body fix such salary by ordinance in which event the salary shall not be less than two thousand four hundred dollars ($2,400) per annum. The salary will be paid in equal bimonthly installments out of the city treasury, and he shall receive no other compensation except the fees allowed to judges for holding examining trials. He shall have each year, a vacation of one (1) month. No person shall be eligible to be *city* [police] judge unless, at the time of his election, he is at least twenty-four (24) years of age, is a qualified voter in the city, and has been an actual resident of the city for at least two (2) years next preceding his election.

Section 21. KRS 26.180 is amended to read as follows:

The *city* [police] judge shall be the presiding officer of the *city* [police] court in cities of the third class, and shall be a peace officer, with the same power as a justice of the peace to administer oaths, issue process, admit to bail, take recognizances, hold examining courts, preserve order, make arrests, and punish for contempt. When acting as an examining court, the police judge shall receive, in addition to his salary, the fees allowed to a justice or a county judge for the same services.

Section 22. KRS 26.190 is amended to read as follows:

The *city* [police] court in cities of the fourth class shall be held by a single *city* [police] judge. He shall be elected by the voters of the city at the general election in November, or appointed by the city legislative body, as it may determine by ordinance enacted at least sixty (60) days previous to the next November election. He shall hold his office for a term of four (4) years. He shall take the oath required of circuit judges, and shall be a conservator of the peace. The compensation of the *city* [police] judge shall be fixed by ordinance before his election or appointment. No person shall be eligible to be *city* [police] judge unless he is at least twenty-four (24) years of age and has resided within the limits of the city at least six (6) months next preceding his election.

Section 23. KRS 26.200 is amended to read as follows:

No person shall be eligible to be *city* [police] judge in a city of the fifth or sixth class unless he is a resident and voter of the city, and has resided there for a year next preceding his election or appointment. Before entering upon the duties of his office, the judge shall execute a bond to the commonwealth with good and sufficient sureties, approved by the county judge. The bond shall be filed and recorded in the county clerk's office and an entry made upon the order book of the county court, showing that the bond was executed and approved and giving the names of the sureties. The county judge, at any time that he has reason to believe that the bond is not good or that the sureties are about to become insolvent, shall require that a new bond be executed or additional sureties given on the old one.

Section 24. KRS 26.210 is amended to read as follows:

(1) The *city* [police] judge in cities of the fifth and sixth classes may charge and receive for his services in civil cases the same fees allowed to justices of the peace for like services under KRS 64.240.

(2) The city legislative body shall fix by ordinance the compensation of the *city* [police] judge for trying criminal cases.

Section 25. KRS 26.220 is amended to read as follows:

The elected judge of *city* [police] court of a city of the first class may appoint two (2) or more trial commissioners and may designate one (1) of them to serve as judge pro tempore. They shall hear cases in rooms provided by the city legislative body for *city* [police] court and may sit simultaneously with the elected judge. The judge pro tem shall have the same rights, powers and duties as the elected judge whenever the elected judge fails to attend and hold court or vacates the bench. The trial commissioners and judge pro tem shall have the same qualifications as the elected judge, shall hold office at the pleasure of the elected judge and not practice any case in *city* [police] court or in the criminal branch of the circuit court of the county in which such city is located. The compensation of the trial commissioners and judge pro tem for services rendered shall be fixed by ordinance not to exceed the rate of salary of the elected judge and be paid by the city at the same time as the salary of other city officers.

Section 26. KRS 26.230 is amended to read as follows:

No *city* [police] judge of any city of the first class shall sit in any case in which there has been filed by the accused an affidavit, supported by the affidavits of at least two (2) credible housekeepers of the city, that he cannot have a fair trial.

Section 27.KRS 26.235 is amended to read as follows:

The elected judge of *city* [police] court of a city of the second class may appoint one or more trial commissioners and may designate one of such commissioners to serve as judge pro tem. Such trial commissioners shall hear cases in rooms provided by the city legislative body for *city* [police] court and may sit simultaneously with the elected judge. The trial commissioners appointed by the elected judge of *city* [police] court or judge pro tem when acting as Judge shall have the same rights, powers and duties as the elected judge. The trial commissioners shall have the same qualifications as the elected judge, shall hold office at the pleasure of the elected judge and shall not practice any case in *city* [police] court or in the criminal branch of the circuit court of the county in which such city is located. The compensation of the trial commissioners for services rendered shall be fixed by ordinance not to exceed the rate of salary of the elected judge and be paid by the city at the same time as the salary of other city officers.

Section 28. KRS 26.240 is amended to read as follows:

Whenever the *city* [police] judge of a city of the second class, having no trial commissioner designated as judge pro tem, fails to attend and hold court, the *city* [police] judge, or if he fails so to do, the mayor of the city, shall designate some attorney who has no case on the docket of the court to act as judge pro tem. The judge pro tem shall exercise the same powers, perform the same duties and receive the same compensation pro rata as the regular judge. During the vacation of the regular judge, the compensation of the pro tem judge shall not be deducted from the salary of the regular judge.

Section 29. KRS 26.250 is amended to read as follows:

The judge of the *city* [police] court in a city of the third class shall appoint a standing judge pro tem who shall serve, at the will of the regular judge, in the absence or disability of the regular judge. The judge pro tem shall exercise the same powers, perform the same duties, receive the same compensation pro rata, and have the same qualifications as the regular judge. The compensation of the pro tem judge shall not be deducted from the salary of the regular judge.

Section 30. KRS 26.260 is amended to read as follows:

(1) If the judge of the *city* [police] court in any city of the fourth class fails to attend, he shall appoint by order entered on the order book a *city* [police] judge pro tem.

(2) If the regular judge or judge pro tem is present, but cannot properly preside, or if either party to an action files with the clerk his affidavit that the judge will not afford him a fair and impartial trial, the parties may agree upon a judge pro tem to preside on the trial of the action.

(3) If no agreement is reached, the attorneys of the court who are present shall elect a judge pro tem. The election shall be held by the clerk of the court, or if there is no clerk by the city attorney, and if he is not present by any attorney of that court whom the attorneys present select. In case of a tie, the person holding the election shall give the deciding vote.

(4) Any judge pro tem appointed or elected under this section shall have the qualifications of a regular *city* [police] judge, shall take the same oath, and, during the period that he acts, shall have all the powers and be subject to all the responsibilities of the regular *city* [police] judge.

Section 31. KRS 26.270 is amended to read as follows:

The city legislative body of each city of the fifth and sixth classes shall provide by ordinance who shall act in the place of the *city* [police] judge when he is absent or cannot preside, or has been sworn off the bench.

Section 32. KRS 26.280 is amended to read as follows:

The clerk of the *city* [police] court in cities of the first class shall daily enter in a separate book, called the "judge's docket," a list of all cases in which any orders are to be made, leaving sufficient space on the margin of the book, or following each case, for the judge to note any order made therein. The judge shall

concisely note therein in ink all orders and judgments in each case, and sign his name each day at the foot of the day's docket.

Section 33. KRS 26.290 is amended to read as follows:

(1) *City* [Police] courts in cities of the first, second, third and fourth classes are courts of record.

(2) The *city* [police] court in each city of the second or fourth class shall have a seal. The judge or the clerk shall keep the seal. The form of the seal shall be fixed by ordinance.

(3) Copies of the records of the *city* [police] court in cities of the third and fourth classes, when certified by the judge or clerk of that court, are admissible as evidence in all courts.

Section 34. KRS 26.300 is amended to read as follows:

(1) In cities of the first class, the practice in the *city* [police] courts in cases arising under city ordinances shall be determined by ordinance, and the practice in cases growing out of the violation of statutes shall be the same as in justices' courts.

(2) In cities of the second, third and fourth classes, the practice in the *city* [police] court shall be governed by the Rules of Civil Procedure, KRS 25.015, 25.020, 25.035 to 25.070, and the Rules of Criminal Procedure.

(3) In cities of the fifth and sixth classes, the practice in the *city* [police] courts shall be the same as in justices' courts.

Section 35. KRS 26.310 is amended to read as follows:

The *city* [police] judge in cities of the first class, in holding an examining court in any felony case, may order a full report of the testimony or of any portion of it that he deems necessary. The official stenographic reporter shall take shorthand notes of such testimony, and, if requested by the judge, shall make a full and accurate transcript of the notes or of any portion which the judge deems material. If an appearance bond is required of the accused, the judge shall fix the amount of the bond, and the bond shall be in writing and shall not be invalidated by any irregularity in its form or in the manner of taking or giving it. The clerk shall within twenty-four (24) hours transmit the bond, transcript of testimony and other papers to the circuit court.

Section 36. KRS 26.320 is amended to read as follows:

(1) (a) In *city* [police] courts of cities of the second, third, fourth and fifth classes, prosecutions for violation of city ordinances shall be in the name of the city, and other prosecutions shall be in the name of the commonwealth for the benefit of the city.

(b) In *city* [police] courts of cities of the sixth class, all prosecutions shall be in the name of the commonwealth for the benefit of the city.

(2) In cities of all classes, process from the *city* [police] court shall be in the name of the commonwealth.

Section 37. KRS 26.330 is amended to read as follows:

(1) In cities of the first class and second class, the clerk or deputy clerk of the *city* [police] court may issue all mesne and final process.

(2) In cities of the third class, the *city* [police] judge may issue all summons and warrants of arrest and the clerk of the *city* [police] court may issue same upon affidavit made before the city prosecutor and they may also issue any mesne or final process.

(3) In cities of the fourth, fifth and sixth classes the *city* [police] judge may issue all processes.

Section 38. KRS 26.340 is amended to read as follows:

The mesne and final process of the *city* [police] court in cities of the first class shall be addressed to any sheriff, constable or policeman, and may go to any county in the state. The policeman on duty in the *city* [police] court may execute it anywhere in the state, or may, subject to the approval of the chief of police, appoint by indorsement on the process a special policeman to execute it, and the special policeman's rights and powers shall be the same as those of the policeman appointing him. A policeman may execute any process delivered to him by the policeman on duty in the *city* [police] court, and may execute any process, whether directed to him or not.

Section 39. KRS 26.350 is amended to read as follows:

Process from the *city* [police] court in cities of the fourth class shall be directed to the chief of police unless for special reasons the *city* [police] judge causes it to be directed to a sheriff, constable or policeman.

Section 40. KRS 26.360 is amended to read as follows:

Persons arrested under a charge of crime in a city of the first class and presented to the *city* [police] court for trial shall be so presented within twenty-four (24) hours after arrest, unless Sunday intervenes.

Section 41. KRS 26.370 is amended to read as follows:

(1) The *city* [police] court in cities of the second class may take recognizances for the appearance in court of persons charged with offenses, and recognizances to keep the peace and be of good behavior for the period of one (1) year.

(2) All recognizances for the appearance of a party, except in cases which the *city* [police] court has jurisdiction to try, shall be for appearance in the circuit court, and shall be conducted as recognizances taken and returnable by justices of the peace.

Section 42. KRS 26.380 is amended to read as follows:

The *city* [police] court in cities of the third class may try and adjudge forfeitures on all bails and recognizances entered into or deposited in prosecutions pending in that court.

Section 43. KRS 26.390 is amended to read as follows:

The *city* [police] judge in cities of the fourth class may require bail and take recognizances of bail, either for appearance in court or to keep the peace or to be of good behavior, and may try and adjudge forfeitures thereof and enforce compliance therewith.

Section 44. KRS 26.400 is amended to read as follows:

(1) In cities of the first class, the *city* [police] court shall try without a jury all cases involving the right to the custody and care of children. It shall not impose a penalty exceeding fifty (50) days' imprisonment or a fine of one hundred dollars ($100) without the intervention of a jury, unless the right to a jury is waived by the accused.

(2) In cities of the second class, the *city* [police] court may use a jury in any case, and where the penalty may be a fine of twenty-five dollars ($25.00) or more or imprisonment, other than in commutation of a fine, the accused may, at or before the time the case is called for trial, demand a jury. The judge shall direct any police officer to summon from the list of jurors provided pursuant to KRS 26.405, and at least three (3) days before they are required to appear, such number of jurors as the judge shall designate. If necessary to provide time to summon jurors the judge shall continue the case. The court shall have the same power of circuit courts to hold or excuse the attendance of jurors. If the court is unable to obtain a jury from the regular jury panel, the judge may order any police officer to summon sufficient bystanders to complete the jury. *City* [Police] court jurors shall receive the same fees as are paid to circuit court jurors.

(3) In cities of the third class, the city or the accused may demand a jury in all cases in the *city* [police] court where the penalty may be imprisonment or a fine of more than fifty dollars ($50.00).

(4) In cities of the fourth, fifth and sixth classes, the accused may demand a jury trial in all cases in the *city* [police] court where the fine may be more than twenty dollars ($20.00).

Section 45. KRS 26.405 is amended to read as follows:

(1) In any county containing a city of the second class, the judge of the *city* [police] court shall each year select a list of not less than three hundred (300) qualified citizens and residents from the tax records of the city for service as *city* [police] court jurors.

(2) The judge shall place the name and address of each person so selected on a small slip of paper, each slip being as near the same size and appearance as practicable. Each slip shall then be deposited in a revolving drum. The drum shall be emptied once each year prior to the depositing of slips selected from the new list. The drum shall be kept locked and the key to said drum shall be kept by the clerk of the *city* [police] court.

(3) Whenever a jury is needed for jury service in *city* [police] court, the judge shall select twelve (12) names from the drum for services on the jury and said persons shall be summoned by a police officer of the city.

(4) In the event that the jury panel is exhausted prior to the expiration of the time when the judge must draw a new list, then the judge may compel any police officer of the city to summon jurors whose names he may obtain from the tax rolls of the city.

Section 46. KRS 26.407 is amended to read as follows:

(1) In any county containing a city of the third class, the judge of the *city* [police] court or the judge assisted by three (3) commissioners as per KRS 29.055 (1) shall each year select a list of not less than three hundred (300) qualified citizens and residents of the city and county the names of which can be obtained from the tax records, voter registration lists or either of said sources for service as *city* [police] court jurors.

(2) The judge or his commissioners shall place the name and address of each person so selected on a small piece of paper, each slip being as near the same size and appearance as practicable. Each slip shall then be deposited in a revolving drum. The drum shall be emptied once a year prior to the depositing of slips selected from the new list. The drum shall be kept locked and the key to said drum shall be kept by the judge or clerk of the *city* [police] court.

(3) Whenever a jury is needed for jury service, the judge shall select at least twelve (12) names from the drum and said persons shall be summoned by a police officer of the city.

(4) In the event that the jury panel is exhausted prior to expiration of the time when the judge must draw a new list, then the judge may compel any police officer of the city to summon any number of additional qualified jurors as becomes necessary.

(5) In the event the jury panel drawn for a particular trial is exhausted then the judge may compel any police officer of the city to summon additional qualified jurors to fill the panel.

(6) If jury commissioners are used, they shall be compensated at the rate of five dollars ($5.00) per day for the time actually engaged, the claim for which shall be certified by the judge appointing him or them and shall be paid by the city treasurer.

Section 47. KRS 26.410 is amended to read as follows:

(1) No witness in the *city* [police] court in cities of the first class shall be allowed any fees for attendance unless he lives outside the city limits. If he lives outside the city limits, he shall be allowed such fees as are allowed a witness in the circuit court.

(2) The city legislative body of each city of the second class may fix witness fees, not to exceed those allowed in justices' courts.

(3) Witnesses in penal cases in the *city* [police] court of cities of the fourth class shall be allowed the same fees as are allowed witnesses in circuit court.

Section 48. KRS 26.420 is amended to read as follows:

In *city* [police] court in cities of the fourth class, the fees of witnesses in penal cases shall be taxed as costs, and shall be payable only in cases where judgment goes against the defendant and is collected.

Section 49. KRS 26.430 is amended to read as follows:

(1) In addition to fees for recording bonds as provided by KRS 26.560, the *city* [police] court in cities of the first class may assess, when authorized by the legislative body of the city, in addition to fine or imprisonment, any sum in its discretion, not exceeding twenty dollars ($20.00), as costs against any defendant convicted in the court. No judgment for costs shall be rendered in favor of the city for a greater amount than the fine. Amounts collected as costs shall be paid into the general fund of the city. No other fees shall be received by any officer of the court.

(2) The *city* [police] court in cities of the second class may assess, in addition to fine or imprisonment, any sum in its discretion, not exceeding ten dollars ($10.00), as costs against any defendant convicted in the court. No judgment for costs shall be rendered in favor of the city for a greater amount than the fine. Amounts collected as costs shall be used to help defray the expense of salaries of the judge and other *city* [police] court personnel, of necessary supplies, of janitorial and other necessary services, and for other appropriate purposes connected with the operation and maintenance of *city* [police] court.

(3) In prosecutions in and appeals from the *city* [police] court in cities of the third class, the city shall not be liable for costs unless they are collected in money and paid into the city treasury. The judge shall tax as costs for his services the same fees allowed to justices in penal cases.

(4) Fees and costs shall be taxed in the *city* [police] court in cities of the fourth class to the same extent and in the same way as in courts having similar jurisdiction, except that in trials under city ordinances, the judge's costs shall be taxed as follows: If a jury is used, two dollars ($2.00), and if a jury is not used, one dollar ($1.00).

(5) If a defendant satisfies the court that he is unable to pay costs without hardship, the court may enter an order allowing the defendant additional time for payment, permitting payment to be made in installments, or modifying the manner of payment in any other way.

Section 50. KRS 26.440 is amended to read as follows:

In cases of drunkenness or disorderly conduct, the *city* [police] courts in cities of the first and fourth classes may, in addition to imposing a fine, and in cities of the first class, in addition to imposing imprisonment, or both fine and imprisonment, require the offender to give bond in a sum not exceeding one thousand dollars ($1,000) to keep the peace or be of good behavior for any period not exceeding one (1) year. If the offender fails to give bond or fails to pay the fine, he shall be immediately committed to the workhouse, station house or county jail and kept in custody until bond is given or the time for which it was required has expired, and until the fine is paid or satisfied by labor.

Section 51. KRS 26.450 is amended to read as follows:

(1) Except as otherwise provided by law, any person against whom a fine is imposed upon conviction of a misdemeanor in the *city* [police] court of a city of the first class, or who is arrested under a capias pro fine for a violation of an ordinance of a city of the first class, shall, unless discharged by authority of law or by payment of such fine, be committed to the workhouse or county jail and shall be there detained, until the fine against him is paid or is satisfied by his earnings by compulsory work, in or out of the workhouse or county jail, at such wages as may be prescribed by statute or by ordinance.

(2) Except as otherwise provided by law, any person sentenced to imprisonment upon conviction of a misdemeanor in the *city* [police] court of a city of the first class shall, unless discharged by authority of law, be committed to the workhouse or county jail and shall be there detained at hard labor in or out of the workhouse or county jail, if hard labor is imposed under subsection (3) of this section, until the sentence has been served.

(3) When imprisonment is imposed by the judge or jury in the *city* [police] court of a city of the first class, the judge or jury may direct whether or not the imprisonment shall be at hard labor, unless the statute imposing the penalty specifically prohibits the exercise of such discretion.

(4) The jailer, or sheriff performing the duties of a jailer, of any county jail to which prisoners are committed at hard labor or to satisfy fines by compulsory work under subsections (1) or (2) of this section, may, by agreement with the city of the first class, provide for the adequate care, supervision, guarding, discipline, maintenance, transportation and housing of such prisoners while performing work or labor for the

city outside the jail.

(5) The procedure established by subsection (4) of this section for placing at work prisoners confined in county jails at hard labor is not intended to supersede other procedures otherwise prescribed by statute for the same purpose, but is intended as an additional or alternative method therefor.

Section 52. KRS 26.460 is amended to read as follows:

All persons committed by the *city* [police] court in cities of the second class for default of surety for good behavior or to keep the peace, and all others whom the city is bound to maintain when committed to jail, shall be confined in the city workhouse or prison.

Section 53. KRS 26.470 is amended to read as follows:

(1) Any person fined in the *city* [police] court of a city of the third class shall be committed to the city prison until the fine and costs are paid or replevied, but not for more than one (1) day for each dollar of the fine and costs. He may be required by ordinance to work in the city workhouse or on the streets, alleys or any public work of the city, until the fine and costs are satisfied, at the rate of one dollar ($1.00) per day.

(2) Persons sentenced to imprisonment may be required to work in the same way during the period of imprisonment.

Section 54. KRS 26.480 is amended to read as follows:

Upon any judgments of the *city* [police] court in a city of the fourth class imposing a fine in favor of the state or the city, the city attorney may cause an execution to be issued and levied on the estate of the defendant, or may cause the defendant to be imprisoned in the city workhouse, if there is one, or the county jail, or compelled to labor at work not detrimental to health upon the streets or other public property of the city or in the workhouse or jail at the rate of one dollar ($1.00) per day until the fine and costs are paid, unless the rate of wages is changed by the city legislative body. The city council may by ordinance regulate such labor. When any fine or costs is paid by labor, the city shall not be liable to any officer for any part of the fine or costs. The defendant may at any time replevy the fine for three (3) months by executing a bond, with good surety, for the amount of the fine and costs and six per cent (6%) interest.

Section 55. KRS 26.490 is amended to read as follows:

(1) Any person sentenced to imprisonment by the *city* [police] court of a city of the fifth class for violating a city ordinance may be imprisoned in the city jail, and if there is no city jail he shall be imprisoned in the county jail.

(2) Any person sentenced to imprisonment by the *city* [police] court of a city of the sixth class for violating a city ordinance may be imprisoned in the city jail or, if the board of trustees so prescribe by ordinance, in the county jail.

(3) The cost of imprisonment in city or county jail as provided for in this section shall be paid by the city.

(4) The city legislative body of cities of the fifth and sixth classes may cause persons imprisoned under final judgment in the *city* [police] court, or in default of payment of fine and costs imposed by the *city* [police] court, to labor in the workhouse, or on streets or other public works or property within the city, until the imprisonment is satisfied or the fine and costs paid, and may fix the amount of the fine and costs that shall be considered paid by each day's labor.

Section 56. KRS 26.500 is amended to read as follows:

The *city* [police] judge in cities of the second class shall keep a register of all replevin bonds taken by the court, and as soon as any replevin bond falls due he shall notify the principal or sureties, and if the bond is not immediately paid he may enforce it by contempt proceedings.

Section 57. KRS 26.510 is amended to read as follows:

All final process from the *city* [police] court in cities of the third class, or on judgments entered on appeal therefrom, shall be directed to and placed in the hands of the city marshal.

Section 58. KRS 26.520 is amended to read as follows:

A return of "not found" on a capias pro fine or of "no property found" on a fieri facias issued on any judgment in the *city* [police] courts of a city of the second or fourth class shall authorize an attachment in favor of the commonwealth or of the city against the personal property of the defendant, in the same manner that a return of "no property found" authorizes an attachment on a judgment in the circuit court.

Section 59. KRS 26.530 is amended to read as follows:

(1) All fines and forfeitures recovered in the *city* [police] court of any city of the first class, by prosecution in the name of the city or the state, shall be paid into the city treasury as a contribution toward the expense of the *city* [police] court.

(2) All fines, forfeitures and costs recovered in the *city* [police] court of any city of the second class shall be paid into the city treasury for the use and benefit of the city. The chief of police shall collect them, make daily reports of his collections to the treasurer, take duplicate receipts and file one (1) of the receipts with the city auditor.

(3) All fines, forfeitures and costs recovered in the *city* [police] court or in any prosecution originating in the *city* [police] court of any city of the third class shall be paid by the marshal into the city treasury. The

city treasurer shall give the marshal a receipt for each payment, and at each monthly settlement with the marshal the city auditor shall charge the treasurer with the amount of the receipts. The city legislative body shall make an order allowing the marshal, the prosecuting attorney and other officers their costs or commissions, and the balance of the amounts received shall be for the use of the city.

(4) All fines and forfeitures recovered in any court, the prosecution of which originated in the *city* [police] court of any city of the fourth class, in the name of or in favor of the state, after the payment of all fees and costs, shall be paid into the city treasury for the use of the city. All fees in the *city* [police] court in other than civil cases shall be paid into the city treasury for the use of the city. All fines and forfeitures recovered shall be collected by the chief of police or other officer to whom final process is directed, and shall be paid by him into the city treasury. Before the issual of final process the defendant may pay the fine or forfeiture to the chief of police, who shall pay it into the treasury. The *city* [police] judge shall furnish each month to the city legislative body a sworn statement of all fines and forfeitures imposed by him during the month preceding, as they appear in the records of his court, and the chief of police shall make monthly settlement with the city legislative body of all fines and forfeitures collected by him.

(5) (a) All fines, forfeitures and costs recovered in any court, by prosecution originating in the *city* [police] court of a city of the fifth or sixth class, in the name of or in favor of the state, shall be paid into the city treasury, and credited to the general revenue fund of the city, unless set apart by statute or ordinance for other purposes.

(b) It shall be the duty of each *city* [police] judge, or his duly authorized representative, when fines and forfeitures are recovered in his court, to prepare a receipt in duplicate in each case for the full amount of fine or forfeiture, plus costs paid into the court, giving the full name and post office address of the person paying such fine or forfeiture, a copy of which receipt shall be given to the person paying the fine or forfeiture, and the other copy of which shall be retained by the judge to be filed with the city treasurer. Each receipt in the receipt book is to be numbered consecutively and all must be accounted for. The receipt books shall be paid for by the city.

Section 60. KRS 26.540 is amended to read as follows:

(1) The judge of the *city* [police] court in cities of the first class may appoint a clerk of his court for a term of four (4) years and fill any vacancy occurring in that office. The clerk shall have the qualifications, and take the oath required of the county clerk. He shall give bond with surety approved by the *city* [police] judge.

(2) The *city* [police] judge may appoint as many deputy clerks as are needed and provided for by ordinance. Deputies shall give the same bond and have the same powers and duties as the clerk.

Section 61. KRS 26.550 is amended to read as follows:

The clerk of the *city* [police] court in cities of the first class may administer oaths as county clerks may, and shall take all bonds or recognizances required by law to be taken by or given in the *city* [police] court, including bonds for appearance in court. He shall keep a record of all bonds taken, showing the date, amount of bail, name of defendant and the charge under which the arrest was made. All money received by the clerk and his deputies shall be paid into the city treasury. The clerk or one (1) of his deputies shall be in his office at all hours, day and night, for the purpose of taking bonds, and all bonds and affidavits shall be returned within twenty-four (24) hours to the proper tribunal.

Section 62. KRS 26.570 is amended to read as follows:

The *city* [police] judge in cities of the second class may appoint a clerk of his court, who shall receive a salary fixed by ordinance. Upon appointment the clerk shall be eligible for classification under the city civil service law as provided in KRS chapter 90, the same as other city employes.

Section 63. KRS 26.580 is amended to read as follows:

The *city* [police] court judge in cities of the third class may appoint a clerk of his court, subject to the approval of the legislative body of the city, who shall receive a salary fixed by ordinance. Upon appointment the clerk shall be eligible for classification under the city civil service law as provided in KRS Chapter 90, the same as other city employes. Should the judge not appoint a clerk, the judge shall be clerk of his own court without pay, nor shall he be eligible for classification under city civil service law as provided in KRS Chapter 90.

Section 64. KRS 26.590 is amended to read as follows:

The *city* [police] judge in cities of the fourth class shall be clerk of his own court, but he may appoint a deputy clerk, who may perform all the duties of the clerk and shall take the oaths of office required by Const., $YSM 228 and KRS 28.010.

Section 65. KRS 26.600 is amended to read as follows:

The chief of police in each city of the first class shall place on duty in the *city* [police] court a policeman or policemen, who shall be present at the sessions of the court to maintain order and perform such other duties as the court may direct; and, upon request of the *city* [police] judge, the chief of police shall detail as many additional members of the police force as are needed. Such police, in addition to their powers and duties as policemen, shall have the power of a constable. No policeman on duty in the *city* [police] court shall receive

any compensation for the performance of his duties in that court in addition to or in excess of his regular salary as a member of the police force.

Section 66. KRS 26.610 is amended to read as follows:

(1) The *city* [police] judge of every city of the first class shall appoint two (2) court matrons for a term of two (2) years, and until the qualifications of their successors, and may remove them for good cause. The judge shall cause his reasons for removal to be entered in the minutes of his court. The judge may fill all vacancies occurring in the office of court matrons. One (1) matron shall be white and the other shall be of the colored race.

(2) The court matrons shall be women of good moral character, with experience and training in social work, and otherwise fully qualified to perform the duties of their office. They shall be twenty-one (21) years of age or older.

(3) The court matrons shall investigate and report to the *city* [police] judge upon the past histories, conditions of living, character, morals and habits of all women and girls awaiting trial in the *city* [police] court, and shall exercise supervision of such women and girls while they are under suspended sentence until final disposition of the charges against them.

(4) The court matrons shall be paid out of the city treasury a salary, and shall be allowed, subject to the approval of the *city* [police] judge, all necessary expenses incidental to investigation of cases.

Section 67. KRS 26.620 is amended to read as follows:

The *city* [police] judge in cities of the first class may appoint and remove at will a doorkeeper who shall stand at and guard the door of the court, preserve order and perform other services directed by the *city* [police] judge. He shall have the same powers that policemen serving in the *city* [police] court have under KRS 26.340 and 26.600.

Section 68. KRS26.650 is amended to read as follows:

City legislative bodies of cities of the second class may, by proper legislation, provide for pensions for *city* [police] court judges, who after July 1, 1970, have become fifty-five (55) years of age and have served as regular *city* [police] judge, including service prior to July 1, 1970, for a period of eight (8) years.

Section 69. KRS 26.652 is amended to read as follows:

City legislative bodies of cities of the third class may, by proper legislation, provide for pensions for *city* [police] judges, who after July 1, 1972, have become fifty-five years of age and have served as regular *city* [police] judge, including service prior to July 1, 1972 for a period of eight years.

Section 70. KRS 26.655 is amended to read as follows:

Cities that pass legislation providing pensions for *city* [police] court judges shall establish a separate fund to be known as the *city* [police] judge pension fund. The regular *city* [police] court judge shall contribute into this fund an amount equal to not more than five per cent (5%) of his annual salary as *city* [police] judge, such contributions to be deducted by the city treasurer from the monthly pay of such *city* [police] judge and credited to the *city* [police] judge pension fund. The *city* [police] judge pension fund shall be under the exclusive control and management of the city legislative body, and in the event the fund is not sufficient to pay the pension as it becomes due, they shall, from *city* [police] court fines, place into the said fund, a sum sufficient to meet its requirements.

Section 71. KRS 26.660 is amended to read as follows:

City [Police] judges who are eligible for pension and retire from office, shall be paid out of the *city* [police] judge pension fund, a pension not to exceed $200 per year times the years of service for life. In the event of the death of a judge while drawing a pension, or eligible for a pension, one-half (1/2) of his pension shall continue to his widow and children under eighteen (18) years of age. If the pension legislation has been adopted by the city legislative bodies at the time of said retirement, it shall not be altered or changed during the time of the pension period of the retiring judge.

Section 72. KRS 26.665 is amended to read as follows:

Any judge who has served less than eight (8) years as a regular *city* [police] judge and who attempts to continue in office by being a candidate for re-election and is defeated shall be refunded all contributions made to the fund by him upon the making of application therefor within one (1) year from the date of said election.

[PENALTIES]

Section 73. KRS 26.990 is amended to read as follows:

(1) Any officer or deputy of the *city* [police] court in a city of the first class who without legal excuse fails for one (1) week to perform the duties required of him by this chapter, or to keep up any book, docket or record required by law, or who, in the conduct of his office, does that which is forbidden by law, shall be fined twenty-five dollars ($25.00) for each day's offense; and if the offense is repeated, or the delinquency continues two (2) weeks, the offender shall be liable to the fine and may also be imprisoned for not longer than one (1) year.

(2) The clerk of the *city* [police] court in cities of the first class shall be subject to the same penalties as county clerks, and in addition may be removed by the *city* [police] judge for neglect or violation of duty.

Section 74. KRS 28.050 is amended to read as follows:

The clerk of quarterly courts, *city* [police] courts and courts of justices of the peace, and circuit clerks in all criminal proceedings shall from his minutes draw up the proceedings of each day in a plain, legible manner, which, after being corrected as ordered by the court, and read in an audible voice, shall be signed by the presiding judge.

Section 75. KRS 28.100 is amended to read as follows:

Each county judge, *city* [police] judge, justice of the peace and circuit clerk shall keep a judgment book, in which shall be entered all judgments, civil and criminal, alphabetically cross-indexed according to the surnames of each plaintiff and each defendant. The record in the judgment book shall show the date of the judgment, the name of the plaintiff and defendant, the order book and page thereof on which entered, and the date of the satisfaction of the judgment when satisfied.

Section 76. KRS 28.510 is amended to read as follows:

The judge of the *city* [police] court in cities of the first class and cities of the second class, in counties having a population of seventy-five thousand (75,000) or more, may appoint, for a term of not more than four (4) years, a stenographic reporter. He shall be paid by the city a salary of three thousand dollars ($3,000) per annum, and the judge may remove him at pleasure. The stenographer may have such vacation as the judge allows, not exceeding thirty (30) days in any one (1) year. During vacation, the judge of the *city* [police] court may appoint a reporter pro tem who shall be paid at the rate of ten dollars ($10.00) per diem during the vacation period of the regular stenographic reporter. The reporter pro tem's salary shall not exceed three hundred dollars ($300) in any one (1) year.

Section 77. KRS 28.650 is amended to read as follows:

The judge of the *city* [police] court in cities of the first class may appoint, for a term not exceeding four (4) years, an interpreter, and the judge may remove him at pleasure.

Section 78. KRS 28.990 is amended to read as follows:

(1) The penalty for violating any of the provisions of subsection (1) of KRS 28.030 shall be five dollars ($5.00) for each violation.

(2) In each case in which a clerk fails to render the service required of him by KRS 28.060, at the proper time and in a proper manner, all his fees shall be uncollectible.

(3) Any county judge, *city* [police] judge, justice of the peace or circuit clerk who fails to record the judgments entered in his court in the judgment book as directed by KRS 28.100 shall be fined not more than fifty dollars ($50.00). Each failure to enter anything required by KRS 28.100 to be entered in the judgment book shall be a separate offense.

(4) The failure of a clerk to discharge any duty required of him by law shall, in addition to any other penalty imposed, be a contempt of court and may be punished accordingly.

(5) A reporter guilty of wilful or corrupt misconduct or neglect in the discharge of the duties required of him by any of the provisions of KRS 28.410 to 28.480 shall be fined not more than five hundred dollars ($500), or imprisoned in the county jail not more than six (6) months.

Section 79. KRS 30.130 is amended to read as follows:

No partnership for the practice of law shall exist between an attorney and a circuit clerk, county clerk or judge of any court, except that in cities of the third, fourth, fifth and sixth classes the *city* [police] judge may form a partnership for the practice of law with an attorney.

Section 80. KRS 30.140 is amended to read as follows:

(1) No law partner of the attorney general, or of a commonwealth's attorney or county attorney, shall defend or aid in the defense of any person whom it is the official duty of the officer to prosecute.

(2) No law partner of a *city* [police] judge shall practice law in any case pending in the court presided over by that judge.

Section 81. KRS 46.030 is amended to read as follows:

(1) Each circuit clerk, each county clerk, each judge of a county court or *city* [police] court and each justice of the peace shall keep a well-bound book in his office, and shall enter therein at the time it is receivable, or when received, all tax on suits and other money received by him for the state, showing of whom received, on what account, the amount received and the date. The books so kept shall at all times be open to public inspection.

(2) All county and district officers charged with the duty of collecting funds due the state shall keep a cash book and shall enter thereon, as collected, the amounts collected, from whom and on what account collected, and the date and amounts of payments into the state treasury.

Section 82. KRS 61.020 is amended to read as follows:

The following officers shall have commissions issued to them by the governor: secretary of state, auditor of public accounts, treasurer, commissioner of agriculture, superintendent of public instruction, judges of the Court of Appeals, clerk of the Court of Appeals, railroad commissioners, judges of the circuit courts, county judges, *city* [police] judges, commonwealth's attorneys, justices of the peace, and all the officers of the militia of rank and grade higher than and including the rank and grade of captain.

Section 83. KRS 64.220 is amended to read as follows:

(1) A justice of the peace, *city* [police] judge or other officer shall be paid out of the state treasury, for holding examining courts, two dollars ($2.00) for the first day's service, and one dollar ($1.00) each additional day, but not more than four dollars ($4.00) in any one (1) case. No allowance shall be made for holding examining courts until the grand jury has returned an indictment.

(2) A county judge shall not receive any fee from the commonwealth for any services rendered as examining courts.

Section 84. KRS 64.230 is amended to read as follows:

(1) For services rendered in civil matters in quarterly courts, county judges may collect the same fees allowed by KRS 64.240 to *city* [police] judges and justices for similar services in civil matters.

(2) For settling accounts of fiduciaries the fee of the county judge may be one-tenth per cent (.1%) of the first twenty-five thousand dollars ($25,000) and one-twentieth per cent (.05%) of the amount in excess of twenty-five thousand dollars ($25,000) of the gross estate. In no case shall the fee be less than five dollars ($5.00) or more than one hundred dollars ($100).

Section 85. KRS 64.240 is amended to read as follows:

(1) *City* [Police] judges and justices of the peace, for all services rendered in their courts when the jurisdiction is concurrent with the circuit courts, may collect the same fees allowed to circuit clerks for similar services, so far as the fees apply.

(2) In actions where the amount in controversy, exclusive of interest and costs, is $50 or under, and for certain other services rendered in the performance of official duties hereinafter specified, the fees of *city* [police] judges and justices of the peace, so far as the same apply, shall be: Issuing each summons or warrant not hereinafter provided for,

each order of attachment, order of injunction, order of delivery, or supersedeas $0.25
Each copy thereof ..... .15
Entering return thereon ..... .10
Each subpoena for a witness or witnesses ..... .20
Each attachment of a witness or witnesses ..... .25
Each original judgment ..... .25
Recording same ..... .25
Each execution ..... .25
Each copy of a judgment or execution, when ordered ..... .25
Each affidavit to procure an attachment, warrant of arrest in a civil case, order of delivery, or to prove a demand against a decedent's estate, if the judge or justice prepares the affidavit ..... .25
Each distress warrant for rent ..... .25
Taking each recognizance ..... .25
Swearing a person and giving a certificate thereof ..... .20
Each order of arrest in a civil case ..... .25
Each copy thereof ..... .15
Filing a claim or appeal or any paper or pleading in a case, each ..... .10
Docketing a cause at each term ..... .05
Indorsing steps at each term ..... .05
Indexing each name of a party to an action or execution, to be charged once in each case ..... .05
Entering or noting of record in an order book each order or direction of the court, for an order filing any pleading or other paper, each motion, demurrer, disposition thereof or ruling of the court or any other step taken, each ..... .20
Taking each bond provided or required by law ..... .25
Each copy ..... .10
Each writ of habeas corpus ..... .50
Each peace warrant ..... .50
Presiding at final trial in misdemeanor cases 2.00
Each writ of forcible entry and detainer ..... .50
Presiding at and superintending trial of writ of forcible entry and detainer, per day 1.50
Certifying copy of judgment and amount of costs on appeal ..... .25
Taxing costs of each party or parties at each term when judgment

for costs is rendered, or on final judgment ..... .10
Entering each witness's attendance, and giving certificates thereof ..... .15
Each trial by a jury, including all services incident thereto in a civil case ..... .60
Entering and giving a post notice of an estray, waifboat, watercraft or wreck ..... .25
Order causing bulls, studs or jacks running at large to be altered ..... .25
Order commanding owner of distempered cattle to confine them ..... .25
Copy of record certified, for every twenty (20) words ..... .02
Holding inquests when coroner cannot attend, the same fees allowed a coroner.

Section 86. KRS 69.210 is amended to read as follows:

(1) The county attorney shall attend all county and fiscal courts held in his county and conduct all cases and business in those courts touching the rights or interests of the county, and when so directed by the county or fiscal court he shall institute, defend and conduct all civil actions in which the county is interested before any of the courts of the commonwealth.

(2) The county attorney shall attend to the prosecution, in courts inferior to the circuit court, of all criminal and penal cases in his county in which the commonwealth or the county is interested, except those cases in a *city* [police] court for which there is a prosecuting attorney who has the duty to prosecute such cases.

(3) The county attorney shall attend the circuit courts held in his county and aid the commonwealth's attorney in all prosecutions therein, and in the absence of the commonwealth's attorney he shall attend to all of the commonwealth's business in the circuit courts, except those felony cases for which a pro tem commonwealth's attorney is appointed under KRS 69.060.

(4) The county attorney shall give legal advice to the fiscal and county courts and the several county officers in all matters concerning any county business within their jurisdiction. He shall oppose all unjust or illegally presented claims.

(5) In no case shall the county attorney take a fee or act as counsel in any case in opposition to the interest of the county.

Section 87. KRS 69.260 is amended to read as follows:

(1) Except as provided in KRS 150.160 the county attorney shall receive:

(a) Forty per cent (40%) of all fines and forfeitures recovered in prosecutions before a county judge or magistrate;

(b) Twenty-five per cent (25%) of the fines and forfeitures recovered in favor of the commonwealth in circuit court in those cases in which he is present and assists in prosecuting;

(c) Thirty per cent (30%) of the fines and forfeitures recovered in favor of the commonwealth before a *city* [police] judge in those cases in which he is present and prosecutes.

(2) The percentage allowed the county attorney is in lieu of all taxed fees and prerequisites except that when a fine or forfeiture recovered in a *city* [police] court is less than ten dollars ($10.00) he shall be allowed a fee of five dollars ($5.00) to be taxed as costs, and when a fine or forfeiture recovered before a county judge or magistrate or in a circuit court is less than twenty-five dollars ($25.00) he shall be allowed a fee of five dollars ($5.00) to be taxed as costs.

(3) The county attorney shall not receive any percentage except upon fines and forfeitures that have been collected and paid into the state treasury, unless the commonwealth's portion thereof is remitted by the governor.

Section 88. KRS 69.430 is amended to read as follows;

(1) The prosecuting attorney of the *city* [police] court in cities of the first class shall be elected by the qualified voters of the city at the same time and places at which the mayor is elected, beginning in the year 1949 at the general elections of said year, and shall hold office for the term of four (4) years.

(2) In all matters coming before the *city* [police] court the prosecuting attorney shall represent the commonwealth or the city, as the case may require, but the commonwealth's attorney or the county attorney may be present and assist in the trial of offenses against the commonwealth. The prosecuting attorney shall have the qualifications, take the oath and come under the obligations prescribed for commonwealth's attorneys.

(3) The prosecuting attorney shall appoint an assistant prosecuting attorney who shall have all of the qualifications of the prosecuting attorney and shall take the oath of office the same as the prosecuting attorney and said assistant prosecuting attorney may be removed at the pleasure of the prosecuting attorney.

(4) The assistant prosecuting attorney may have a vacation of one (1) calendar month of each year and no deduction shall be made from his salary for said vacation.

Section 89. KRS 69.450 is amended to read as follows:

The qualified voters of cities of the second class, except those operating under the commission or city manager form of government, shall elect a city attorney, for a term of four (4) years. The city attorney shall appear for the city in all cases in the *city* [police] court, and prosecute or defend on behalf of the city all appeals from the decisions of the *city* [police] court in which the city is a party, or is in any way interested. He shall perform such other duties as are prescribed by ordinance or required of him by the city solicitor. The city attorney shall be paid such salary as the city legislative body deems proper.

Section 90. KRS 69.490 is amended to read as follows:

The city attorney in cities of the third class shall be the general law officer of the city. He shall attend all meetings of the legislative body and advise its members and all other city officials in all matters pertaining to their duties or affecting the interest of the city. He shall attend to all legal business of the city, except prosecutions in the *city* [police] court and appeals therefrom.

Section 91. KRS 69.520 is amended to read as follows:

The prosecuting attorney in cities of the third class shall attend all sessions of the *city* [police] court and prosecute all criminal and penal cases in that court and appeals therefrom, whether for violations of the ordinances of the city or the laws of the state.

Section 92. KRS 69.530 is amended to read as follows:

(1) The prosecuting attorney in cities of the third class may receive thirty per cent (30%) of all the fines and forfeitures recovered in the *city* [police] court that are collected and paid into the city treasury. The percentage shall be ascertained from the monthly settlements of the marshal and paid upon order of the legislative body.

(2) The council may, by ordinance enacted prior to his election provide for payment to the prosecutor of a salary in lieu of fines and forfeitures.

Section 93. KRS 69.550 is amended to read as follows:

The city attorney of a city of the fourth, fifth or sixth class may, at the option of the city legislative body, be allowed as compensation for his services in the *city* [police] court thirty per cent (30%) of all fines and forfeitures recovered by him and paid into the city treasury. If the fine is twenty-five dollars ($25.00) or less, exclusive of costs, a fee of five dollars ($5.00) shall be allowed him and taxed as costs against the defendant. The commission shall be paid to the city attorney at the next meeting of the city legislative body after the collection of the fines and forfeitures.

Section 94. KRS 69.560 is amended to read as follows:

The legislative body of each city of the fourth class, except those operating under the commission or city manager form of government, as soon as it is organized or as soon thereafter as practicable, and biennially thereafter, may appoint a city attorney, or it may provide by ordinance at least sixty (60) days previous to any election that the city attorney be elected by the qualified voters of the city at the same time and for the same term that the *city* [police] judge is elected. The city attorney must be a practicing attorney, and a resident of the city. The city attorney shall hold his office for a term of two (2) years, subject to removal at any time for good cause by the city legislative body. He shall prosecute all pleas of the commonwealth and all warrants or proceedings instituted for violation of the ordinances or municipal regulations of the city in the *city* [police] court, attend the meetings of the city legislative body, advise it in all matters of litigation or legal proceedings, and perform any other duties in his department required by the city legislative body. The city legislative body shall fix his compensation by ordinance before his appointment or election.

Section 95. KRS 69.570 is amended to read as follows:

If an appeal is taken from the judgment of a *city* [police] court of a city of the fourth class under the penal laws of Kentucky the city attorney shall represent the commonwealth in any court to which the case may be appealed. If judgment is rendered in favor of the commonwealth on the appeal the city attorney shall take all necessary steps to collect the fine or forfeiture and to enforce the judgment. The county or commonwealth's attorney is not required to represent the commonwealth in such cases.

Section 96. KRS 81.060 is amended to read as follows:

On the second day of the term the court shall, if the proper notice has been given or publication made, and no defense is interposed, enter a judgment establishing a town in accordance with the prayer of the petition, naming it and describing the boundary thereof, by metes and bounds, and appointing therefor not less than five (5) trustees, a *city* [police] judge, marshal and assessor, who shall hold their respective offices until the next election at which officers for cities and towns may be elected. Defense may be made to the petition by any inhabitant of the proposed town, and if defense is made, the court shall hear and determine the same, and render a judgment establishing or refusing to establish a town, as may seem proper. But if the court shall be satisfied that the population within the prescribed boundary is sufficient, and the proper notice or publication has been made or given, it shall have no discretion as to the establishment of the town. The pleadings and practice, except as herein provided, shall be the same as in equity causes, but no appeal shall lie from the judgment. Whenever any town shall be established in the manner above provided, the court shall in the judgment direct the clerk of the court wherein such judgment is entered to, not later than ten (10) days

thereafter, certify a copy thereof to the secretary of state, whose duty it shall be to properly index and file the same as a permanent record in his office.

Section 97. KRS 83.600 is amended to read as follows:

The judicial power of the city shall be vested in a *city* [police] court whose powers, duties and jurisdiction are delineated in KRS chapter 26.

Section 98. KRS 84.300 is amended to read as follows:

(1) The mayor shall:

(a) Cause the ordinances of the city to be executed and enforced;

(b) Cause all city officers and employes to discharge their duties faithfully and efficiently, and report to the general council if they fail to do so;

(c) Give the general council, from time to time, information in regard to the affairs of the city, and recommend to its consideration such measures as he deems expedient;

(d) Care for and superintend all public property of the city;

(e) Execute all contracts for the city that are authorized by ordinance, and see that all contracts with the city are completely performed;

(f) See that every officer required to give bond has duly given bond and qualified before he enters on the duties of his office;

(g) Fill by appointment all vacancies in city offices, except where otherwise provided by statute, subject to the provisions of section 152 of the constitution;

(h) Discharge such other duties as are required of him by statute or ordinance.

(2) The mayor may:

(a) Require from any executive or ministerial officer of the city written information upon any subject relating to the duties of that officer;

(b) Discharge from confinement any person convicted and sentenced in the *city* [police] court, and shall file with the board of aldermen a written statement of his reasons, which shall be open to public inspection;

(c) Abate and remove, in a summary manner and at the cost of the owner or occupant, any nuisance found by him, or declared by ordinance to exist, on public or private property, and for that purpose may enter upon and take possession of any property where the nuisance exists or is produced;

(d) Administer oaths;

(e) Appoint his own clerk, when so authorized by the general council, the compensation of the clerk to be fixed by the general council.

(3) The mayor shall keep his office at some convenient place in the city, to be fixed by ordinance.

Section 99. KRS 84.350 is amended to read as follows:

(1) At the regular election every four (4) years, beginning with 1895, the voters of the city shall elect a mayor, city treasurer, city attorney and assessor, each to hold office for four (4) years and until his successor is elected and qualified.

(2) At the regular election every four (4) years, beginning with 1897, the voters of the city shall elect a judge of the *city* [police] court.

(3) At the regular election each year the voters of the city shall elect one-half (1/2) of the members of the general council, for terms of two (2) years and until their successors are elected and qualified, to replace those whose terms expire in that year. In cities that were in the second class in 1894 the members whose terms will expire each year shall depend on the lot cast to determine the terms of those elected in 1895. In cities that are transferred to the second class the members whose terms will expire each year shall depend on a lot cast at the first meeting of the general council elected following the transfer, by which one-half (1/2) of the members elected at that election shall be determined to serve for one (1) year, and one-half (1/2) for two (2) years. Not less than one (1) member of the board of councilmen shall be elected from each ward in each year.

(4) All city officers elected under this section shall enter upon the duties of their office on the first Monday in January succeeding their election.

(5) At city elections all inhabitants of the city may vote who are eighteen (18) years of age or over, who are at the time citizens of the state of Kentucky and have been bona fide residents of the city for six (6) months previous to the election, and of the precinct in which they offer to vote for sixty (60) days preceding the election, and have registered as voters under the general law regulating registration.

Section 100. KRS 85.270 is amended to read as follows:

The city clerk, in person or by deputy, shall:

(1) Attend all meetings of the common council, keep full and accurate minutes of its proceedings, and record them before the next regular meeting in a journal kept by him for the purpose;

(2) Issue, within ten (10) days, or sooner if ordered, a capias pro fine upon each fine and an execution upon each forfeiture imposed by the common council or by the mayor, such writs to be in the same form, directed to the same officer, and recorded and made returnable in the same way as upon similar judgments in

the *city* [police] court of the city;

(3) Act as custodian of the seal of the city, and of all records and papers not properly belonging to some other officer;

(4) Certify to the auditor and treasurer of the city, immediately after the common council adjourns, all licenses granted and claims allowed by the common council;

(5) Keep such other records and perform such other duties as are prescribed by statute or ordinance.

Section 101. KRS 87.020 is amended to read as follows:

The government of each city of the fifth class not having the commission form of government shall be vested in a mayor, a city council consisting of six (6) members, a *city* [police] judge, a treasurer, a city attorney, a clerk, an assessor, and such subordinate officers as are hereafter provided for.

Section 102. KRS 87.170 is amended to read as follows:

(1) The members of the city council, mayor and *city* [police] judge shall be elected by the qualified voters of the city. The members of the city council shall be elected at the regular November election every two (2) years, beginning with 1893, and shall hold office for two (2) years. The mayor and *city* [police] judge shall be elected at the regular November election every four (4) years, beginning with 1893, and shall hold office for four (4) years. The members of the city council, mayor and *city* [police] judge shall take office on the first Monday in January following their election.

(2) The assessor, treasurer, clerk and city attorney shall be appointed by the city council for a term of two (2) years, but may be removed at the pleasure of the council. The city council may appoint, and fix the duties and compensation of, a poundmaster, superintendent of streets, city engineer, chief of fire department, city weigher, city physician and *city* [police] court clerk, for terms of two (2) years, subject to removal at the pleasure of the council.

Section 103. KRS 87.210 is amended to read as follows:

Any vacancy occurring in any of the offices provided for in this chapter, except in the office of *city* [police] judge, shall be filled by appointment of the city council.

Section 104. KRS 88.030 is amended to read as follows:

The government of each city of the sixth class not having the commission form of government shall be vested in a board of trustees, consisting of five (5) members, a *city* [police] judge, a treasurer, a clerk, a marshal, and such subordinate officers as are hereinafter provided for.

Section 105. KRS 88.180 is amended to read as follows:

(1) The members of the board of trustees and *city* [police] judge shall be elected by the qualified voters of the city. The members of the board of trustees shall be elected at the regular November election every two (2) years, beginning with 1893, and shall hold office for two (2) years. The *city* [police] judge shall be elected at the regular November election every four (4) years, beginning with 1893, and shall hold office for four (4) years. The members of the board of trustees and the *city* [police] judge shall take office on the first Monday in January following their election.

(2) The treasurer and clerk shall be appointed by the board of trustees for a term of two (2) years, but may be removed at the pleasure of the board.

(3) The board of trustees may appoint an assessor, a poundmaster, a superintendent of streets, a town engineer, a chief of fire department, a town weigher and a town physician, each of whom shall hold office for two (2) years, but may be removed at the pleasure of the board of trustees.

Section 106. KRS 89.030 is amended to read as follows:

(1) The sense of the voters of any city of the second, third or fourth class shall be taken on the question of organizing and being governed under the commission form of government, upon application to the county judge of the county in which the city is situated by written petition signed by a number of legal voters of the city equal to twenty-five per cent (25%) in cities of the second and fourth classes, or twenty per cent (20%), in cities of the third class, of the votes cast in the city at the last preceding general election. The county judge shall receive the petition, and at the next regular term thereafter make an order in his book directing an election to be held in the city at the next regular election that is held not earlier than sixty (60) days, in cities of the second, third and fourth classes, nor later than ninety (90) days, in cities of the fourth class, after the application is lodged with the judge, except that in cities of the second class the election shall not be held in the same year that the mayor or *city* [police] judge is elected. The order shall direct the sheriff or other officer of the county who is appointed to hold the election to open the polls at each voting place in the city for the purpose of taking the sense of the qualified voters of the city on the question of whether or not they are in favor of the organization and government of the city under the commission form of government.

(2) In cities of the second class the question to be submitted to the voters shall be:

"Are you in favor of the organization and government of the city of .... under the commission form of government"?

(3) In cities of the third class the question to be submitted to the voters shall be:

"Are you in favor of the organization and government of the city of .... under the commission form of government, under which the members of the board of commissioners shall each receive a salary of $.... per

annum"?

(4) In cities of the fourth class the question to be submitted to the voters shall be:

"Are you in favor of the organization and government of the city of .... under the commission form of government, under which the salary of the mayor for the first term shall be $.... per annum, the salary of the *city* [police] judge for the first term shall be $.... per annum, and the salary of each commissioner for the first term shall be $.... per annum"?

(5) The county clerk shall give to the sheriff of the county, or to such officer as may be appointed to hold the election, a certified copy of the order of the county court, as it appears on the order book, within five (5) days after the order is made. The sheriff or other officer shall have the order published pursuant to KRS chapter 424, and also advertise the order by handbills posted in conspicuous places in the city, for the same length of time that publication is required. The sheriff or other officer shall have the advertisement published and notices posted within seven (7) days after he receives the order of the county court. The election shall be held by the regular election officers.

(6) The board authorized to canvass election returns shall certify the result of the election to the clerk of the county court and to the clerk of the city. At the next regular term of court the county judge shall cause the certificate to be spread on the order book of the court. The entry of the certificate in the order book, or copy thereof, shall be prima facie evidence of the facts therein contained. In cities of the second class the entry of the certificate in the order book, or copy thereof, shall be conclusive evidence of the election and its result.

(7) If a majority of the votes cast are in favor of organizing and governing the city under the commission form of government, the certificate of the canvassing board delivered to the city clerk shall be spread upon the records of the city at the next regular meeting of the city legislative body, and thereupon the city shall be organized and governed by the provisions of KRS 89.040 to 89.290.

(8) Failure on the part of any ministerial officer to perform the duties required of him by this section shall not prevent the organization and government of the city under the commission form of government.

Section 107. KRS 89.040 is amended to read as follows:

If the vote at the election held under KRS 89.030 is in favor of the organization and government of the city under the commission form of government, all the present nonelective city offices, in cities of the second and third classes, and the office of member of the city legislative body, in cities of the second, third and fourth classes, shall, at the expiration of the year following the year in which the election is held, be ipso facto abolished. In cities of the second and fourth classes all of the elective city offices, except those of mayor and *city* [police] judge, shall be ipso facto abolished at the expiration of the term of the present officers. In cities of the third class all the elective city offices, except those of mayor, *city* [police] judge and city prosecuting attorney, shall be ipso facto abolished at the expiration of the year following the year in which the election is held on the question of adopting the commission form of government.

Section 108. KRS 89.050 is amended to read as follows:

(1) At the regular November election in the year following the year in which the election is held pursuant to KRS 89.030, two (2) commissioners shall be elected by the qualified voters in cities of the second and third classes, and four (4) commissioners shall be elected by the qualified voters in cities of the fourth class. In cities of the second and third classes the commissioners shall serve for terms of two (2) years, except that if the election on the question of adopting the commission form of government in a city of the third class was held in an odd year, the commissioners first elected shall serve for terms of only one (1) year. In cities of the fourth class the commissioners shall serve for term of four (4) years, except that if the first election for commissioners does not occur at the same time as the election of mayor and *city* [police] judge, the commissioners then elected shall serve for terms expiring with that of the mayor and *city* [police] judge. The terms of the commissioners in cities of the second, third and fourth classes shall begin on the first Monday in January following their election. Commissioners shall be elected at the regular November election prior to the expiration of the terms of the commissioners first elected, and thereafter commissioners shall be elected every two (2) years, in cities of the second and third classes, and every four (4) years in cities of the fourth class.

(2) A mayor, in cities of the second, third and fourth classes, shall be elected at the regular November election prior to the expiration of the term of the present mayor, and every four (4) years thereafter, and a *city* [police] judge shall be elected at the regular November election prior to the expiration of the term of the present *city* [police] judge, and every four (4) years thereafter. The mayor and *city* [police] judge shall serve for terms of four (4) years, beginning on the first Monday in January following their election.

(3) The mayor, *city* [police] judge and commissioners shall be nominated and elected from the city at large.

Section 109. KRS 89.060 is amended to read as follows:

(1) In cities of the fourth class no person shall be elected to the office of mayor, *city* [police] judge or commissioner without first having been nominated in the manner prescribed by this section. On the first Tuesday after the fourth Monday in May there shall be held a primary election. The primary election shall

be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the regular election.

(2) Each applicant for nomination shall, at least fifty-five days before the day of the primary election, file with the county clerk a petition signed by at least twenty voters, in the following form:

"We the undersigned, qualified voters of the city of .... and residing each at the place indicated opposite his name, do hereby request that the name of .... be placed on the voting machine and special ballot as that of an applicant for nomination for the office of .... at the primary election to be held in our city on the first Tuesday after the fourth Monday in May. We know the applicant to be a qualified voter of the city and a person of good character; and he is, in our judgment, qualified for the duties of the office sought by him.

Name Number Street

.....

.....

.....

No voter shall sign more than one petition with reference to each office that is to be filled. If a person signs more than one petition of applicants for nomination for mayor or *city* [police] judge, or signs the petitions of more than four applicants for nomination for commissioners, the name of that petitioner shall not be counted as a valid name on any petition.

(3) Immediately upon the expiration of the time for filing the petitions, the county clerk shall have published pursuant to KRS chapter 424, the names of the persons as they will appear upon the primary ballot labels and special ballots, and shall thereupon cause the primary ballot labels and special ballots to be printed.

(4) Subsection (3) of this section shall not apply if it appears, immediately upon the expiration of the time for filing petitions, that there are only two applicants for nomination for mayor or *city* [police] judge, and only eight or less for commissioners. In that case such applicants shall thereupon be nominated and no primary election shall be held for nomination for those offices, but the county clerk shall have their names placed on the voting machine and special ballot for the general election.

(5) The names of the applicants for each nomination shall be placed on the voting machine and special ballots for the primary election by lot. Above the names of the applicants for nomination for mayor or *city* [police] judge shall be printed the words "Vote for one," and above the names of the applicants for nomination for commissioners shall be printed the words "Vote for four." No party designation or emblem of any kind, nor any sign indicating any applicant's political belief or party affiliation shall be used.

(6) The persons who are qualified to vote at the regular municipal election shall be qualified to vote at the primary election, and the law applicable to challenges made at a regular municipal election shall be applicable to challenges made at the primary election.

(7) The two applicants receiving the highest number of votes for nomination for mayor and the two applicants receiving the highest number of votes for nomination for *city* [police] judge shall be thereby nominated. The eight applicants receiving the highest number of votes for nomination for commissioners shall be thereby nominated.

(8) The expenses of the primary election shall be paid by the city, when only city offices are on the ballot. When the ballot includes offices other than city offices, the city shall bear its proportionate share of the cost of the election.

Section 110. KRS 89.070 is amended to read as follows:

At the regular election following the primary election, in cities of the fourth class, the names of the nominees shall be placed in alphabetical order upon ballots like those used at the primary election, except that the regular election ballots shall contain only the names of the successful nominees. The nominee receiving the greatest number of votes cast for mayor, the nominee receiving the greatest number of votes cast for *city* [police] judge, and the four (4) nominees receiving the greatest number of votes cast for commissioners, shall be elected, respectively, mayor, *city* [police] judge and commissioners.

Section 111. KRS 89.090 is amended to read as follows:

In cities of the second class the mayor, *city* [police] judge and city commissioners, and in cities of the third class the mayor, *city* [police] judge, prosecuting attorney of the *city* [police] court, and city commissioners, shall be nominated and elected in the manner provided by the general election laws and general primary laws for the nomination and election of state and county officers.

Section 112. KRS 89.110 is amended to read as follows:

(1) In cities of the second class the mayor shall receive an annual salary of $4,000, and each commissioner shall receive an annual salary of $3,600.

(2) In cities of the third class the mayor and each commissioner shall receive an annual salary of not less than $500 nor more than $3,000, to be fixed in the question submitted to the voters as provided in KRS 89.030 (3), subject to change thereafter, within the above limits, by ordinance of the board of commissioners, which ordinance shall be submitted to the voters, the same as if a petition for referendum had been filed in the manner provided in KRS 89.230 and 89.240; also subject to change, within the above limits, by initiative

proceedings as provided in KRS 89.250.

(3) In cities of the fourth class the mayor, *city* [police] judge and commissioners shall each receive an annual salary, for their first term under the commission form of government, in the amount fixed in the question submitted to the voters as provided in KRS 89.030 (4). Thereafter, at least sixty (60) days before the day for holding the primary election provided for by KRS 89.060, the board of commissioners shall, by ordinance, fix the salary of the mayor, *city* [police] judge and commissioners to be elected at the next regular election. The salaries so fixed for each office shall not be less than the salaries then being paid for that office; the salary of the mayor shall not exceed $1,200 per annum, and the salary of the *city* [police] judge and each commissioner shall not exceed $1,000 per annum. If the board of commissioners fails to fix the salaries as provided in this section, the salary of each newly elected officer shall be the same as that of his predecessor.

Section 113. KRS 89.310 is amended to read as follows:

All the present officers of any city which has voted in favor of adopting the commission form of government shall hold their offices until the expiration of their terms, and all of such offices, except that of *city* [police] judge, shall be ipso facto abolished at the expiration of their terms.

Section 114. KRS 89.420 is amended to read as follows:

(1) If the vote at the election is in favor of the organization and government of the city under the city manager form of government, all the present nonelective city offices shall, at the expiration of the term of the mayor and *city* [police] judge in a city of the first class, at the expiration of the term of the mayor or *city* [police] judge, whichever occurs first, in a city of the second or fourth class, and at the expiration of the term of the mayor, in a city of the third class, be ipso facto abolished. All the elective city offices, except those of mayor, *city* [police] judge and member of the city legislative body, in a city of the first, second or fourth class, and mayor, *city* [police] judge, city prosecuting attorney and member of the city legislative body, in a city of the third class, shall be ipso facto abolished at the expiration of the terms of the present incumbents. The office of member of the city legislative body, in cities of the first, second, third and fourth classes, shall be ipso facto abolished at the end of the year in which the first election for commissioners is held.

(2) When any city operating under the city manager form of government is reclassified from a second-class city to a first-class city and retains the city manager form of government, none of the existing elective offices shall be abolished, and all elective officers shall continue to serve until the expiration of their respective terms of office.

Section 115. KRS 89.430 is amended to read as follows:

(1) In cities of the second and fourth classes, at the first regular election at which the mayor or *city* [police] judge of the city is elected after the election at which the city manager form of government was adopted, there shall be elected by the qualified voters of the city four (4) commissioners and a mayor, or *city* [police] judge, as the case may be.

(2) In cities of the third class, at the first regular election at which the mayor of the city is elected after the election at which the city manager form of government was adopted, there shall be elected by the qualified voters of the city four (4) commissioners and a mayor. The *city* [police] judge shall be elected at the same time as he would have been elected if the city manager form of government had not been adopted.

(3) In any city which has been reclassified from a second to a first-class city and which has been governed under the city manager form of government prior to reclassification and retains the city manager form of government, at the first regular election at which the mayor or *city* [police] judge and commissioners are elected after the reclassification, there shall be elected by the qualified voters of the city four (4) commissioners and a mayor, or *city* [police] judge, as the case may be.

(4) In a city of the first class, at the first regular election at which the mayor and police judge of the city are elected after the city manager form of government was adopted, pursuant to the provisions of KRS 89.410, there shall be elected by the qualified voters of the city four (4) commissioners and a mayor and *city* [police] judge.

(5) In cities of the first, second, third and fourth classes the commissioners shall serve for terms of two (2) years and the mayor for a term of four (4) years, beginning on the first Monday in January following their election. The *city* [police] judge shall serve for a term of four (4) years, beginning on the first Monday in January following his election in cities of the first, second and fourth classes, and on the first Monday in December following his election in cities of the third class. Every second year after the election at which commissioners were elected, and every fourth year after the election at which a mayor or police judge was elected, or a mayor and *city* [police] judge was elected in a city of the first class, a primary election and regular election shall be held in the same manner for the same offices.

(6) The city manager form of government shall become effective and go into operation upon the qualification and installation in office of the mayor, or *city* [police] judge, or both, as the case may be, and the commissioners.

Section 116. KRS 89.440 is amended to read as follows:

(1) No person shall be elected to the office of mayor, *city* [police] judge or commissioner without first being nominated in the manner prescribed by this section. On the first Tuesday after the fourth Monday in

May there shall be held a primary election. The primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the regular election.

(2) Each applicant for nomination shall, at least fifty-five days before the day of the primary election file with the county clerk a petition signed by at least one hundred (100) voters, in a city of the first or second class, or by at least fifty (50) voters in a city of the third or fourth class, in the following form:

"We the undersigned, qualified voters of the city of .... and residing each at the place indicated opposite his name, do hereby request that the name of .... be placed on the voting machine and special ballot as that of an applicant for nomination for the office of .... at the primary election to be held in our city on the first Tuesday after the fourth Monday in May. We know the applicant to be a qualified voter of the city and a person of good character, and he is, in our judgment, qualified for the duties of the office.

Name Number Street

.....

.....

.....

No voters shall sign more than one (1) petition with reference to each office that is to be filled. If any voter signs more than one (1) petition of applicants for nomination for mayor or *city* [police] judge, or signs the petitions of more applicants for nomination for commissioners than the number of commissioners to be elected, the name of that petitioner shall not be counted as a valid name on any petition.

(3) Immediately upon the expiration of the time for filing petitions the county clerk shall have published as provided in KRS chapter 424, the names of the persons as they will appear upon the primary ballot labels and special ballots, and shall thereupon cause the primary ballot labels and special ballots to be printed.

(4) Subsection (3) of this section shall not apply if it appears, immediately upon the expiration of the time for filing petitions, that there are not more than two (2) applicants for nomination as mayor or *city* [police] judge, or not more applicants for nomination for commissioner than twice the number of commissioners to be elected. In that case the applicants for mayor or *city* [police] judge and the applicants for commissioner shall thereby be nominated, and no primary election shall be held for nomination for those offices.

(5) The names of the applicants for each nomination shall be placed on the voting machine as provided in KRS 89.460. Above the names of the applicants for nomination for mayor or *city* [police] judge shall be printed the words, "Vote for one," and above the names of the applicants for nomination for commissioner shall be printed the words, "Vote for four," in a city of the second, third or fourth class. No party designation or emblem of any kind, nor any sign indicating any applicant's political belief or party affiliation shall be used.

(6) The persons who are qualified to vote at the regular municipal election are qualified to vote at the primary election, and the law applicable to challenges made at a regular municipal election is applicable to challenges made at the primary election.

(7) The votes shall be counted as provided in the general election laws, and after being so counted the result shall be published as provided in KRS chapter 424.

(8) The two (2) applicants receiving the highest number of votes for nomination for mayor and the two (2) applicants receiving the highest number of votes for nomination for *city* [police] judge shall be thereby nominated. The eight (8) applicants receiving the highest number of votes for nomination for commissioners are thereby nominated.

(9) The expenses of the primary election shall be paid by the city, when only city offices are on the ballot. When the ballot includes offices other than city offices, the city shall bear its proportionate share of the cost of the election.

Section 117. KRS 89.450 is amended to read as follows:

At the regular election following the primary election, the names of the nominees shall be placed upon ballots like those used at the primary election, except that the regular election ballots shall contain only the names of the successful nominees. The nominee receiving the greater number of votes cast for mayor, the nominee receiving the greater number of votes cast for *city* [police] judge, and the four (4) nominees, in a city of the first, second, third or fourth class, receiving the greater number of votes for commissioners shall be elected, respectively, mayor, *city* [police] judge and commissioners.

Section 118. KRS 91.140 is amended to read as follows:

(1) The commissioners of the sinking fund shall annually elect one (1) of their number president.

(2) The commissioners of the sinking fund shall, by a majority vote, elect a treasurer and secretary, who shall give bond with good and sufficient surety, to be approved by the commissioners, and shall take oath in the manner required of the commissioners by subsection (4) of KRS 91.130. He shall hold office for four (4) years and until his successor is qualified. Vacancies shall be filled by appointment of the commissioners. The treasurer and secretary shall keep an accurate record of all proceedings of the board of commissioners, receive and disburse all moneys by order of the commissioners and keep an accurate account thereof, and

perform all other acts required of him by the commissioners. He shall account for all money and other things of value belonging to the sinking fund that come into his hands or control.

(3) The commissioners shall elect all officers and appoint all employes of the sinking fund, prescribe their duties and fix their compensation. They may provide in bylaws for deductions to be made from the compensation of officers and employes for neglect of duty or violation of the bylaws. All officers and employes, except the treasurer and secretary and the president, shall hold office at the pleasure of the commissioners, as prescribed in the bylaws.

(4) Employes of the sinking fund designated by the board of commissioners, have the same power as peace officers, coextensive with the county in which the city is located, in the enforcement of all ordinances passed pursuant to KRS 92.281, 91.200 to 91.270, 137.410, 186.270, 186.281, or any other ordinance of a city of the first class, which levies a license tax and which is collected or paid to the sinking fund.

(5) Any designations made by the commissioners of the sinking fund of cities of the first class, shall be entered of record in the minutes of the board and a certified copy thereof shall be transmitted to the judge of the *city* [police] court of the city, and he shall enter same of record and administer to each employe the oath required of peace officers.

Section 119. KRS 91.320 is amended to read as follows:

(1) Every person owning or holding taxable property, either in his own right or as a fiduciary or agent, shall return to the assessor or his assistant a true list of all such property, stating the value of the personal property, upon blanks prepared for that purpose by the assessor, in the form prescribed by ordinance, and shall make oath before the assessor or his assistant. However, if it be deemed expedient, the city assessor may mail, by postal card, appropriate notice to the last known address of the taxpayer and by agreement with the property valuation administrator receive the return of the said true list or schedule of all such taxable property in the office of the property valuation administrator simultaneously with the taking of such list or schedule for state and county purposes by the property valuation administrator, and under such arrangement the city tax assessor shall provide for such purpose a sufficient number of deputies to expeditiously perform such duties and they shall perform such duties in the office of the property valuation administrator during the period necessary to complete said duties. If such arrangement is made, both the city assessor and the property valuation administrator, and the deputies of each and either, are hereby empowered to administer any oath to the taxpayer, provided by law in connection with the return of any list or schedule, whether the property be located in the county outside the city or in the corporate limits of the city. The method of payment of salaries to said deputies engaged in said work shall not be affected by such arrangement. If the office of the property valuation administrator is put to any additional expense by reason of the taking of such lists or schedules for city property, such additional expense shall be paid by the city. Nothing in this section shall be construed as an acceptance by the city of the assessment of the property valuation administrator on property located in the city, but for the sole purpose of convenience and economy.

(2) If any such person fails to return a true list under oath, the assessor may, according to the best information he can obtain, assess the property.

(3) The *city* [police] court shall, at the instance of the assessor, enforce by rule or process of contempt the return, under oath, of the list required by this section.

(4) The assessor shall each day make diligent search among the conveyances and probated wills recorded in the office of the county clerk and among the confirmations of sales in the courts, and shall also make personal inquiry in his yearly rounds about deaths among the owners of lands or improvements in the city.

(5) The assessor shall keep in alphabetical order a register of all transfers of real estate. All purchasers of real estate in the city shall furnish the assessor information thereof within two (2) days after the conveyance has been lodged for record. The assessor shall notify such purchasers of any taxes that remain unpaid and are a lien on the property bought.

Section 120. KRS 92.090 is amended to read as follows:

(1) The auditor in cities of the second class shall be the general accountant of the city, and shall exercise a general superintendence over the fiscal affairs of the city, including the collection and disbursement of funds and the protection and disposition of city property and claims. He shall, with the consent of the mayor, see that all necessary steps are taken to protect the interests of the city in any property or claim, that proper rules are made and observed in relation to financial accounts, settlements and reports, that no liability is incurred or expenditure made without authority of law, and that no appropriation is overdrawn. He shall preserve the credit standing of the city. He may, with the mayor's written consent, do all things otherwise lawful and necessary to perform his duties.

(2) The auditor shall:

(a) Adopt a proper method of double-entry bookkeeping, and keep all accounts of the city in a systematic, orderly manner.

(b) Receive and preserve in his office all accounts, books and papers relating to the accounts, contracts and fiscal affairs of the city.

(c) Keep all accounts and memorandums of claims against the city properly filed and indexed.

(d) Keep accounts of all money received by the city from any officer or agent from any source, and see that all such money is deposited in the treasury regularly once a day, unless otherwise provided by statute or ordinance, and if any of the provisions of this paragraph are not complied with, shall report the fact to the mayor and general council.

(e) State and render all accounts between the city and other persons, except when otherwise provided by statute or ordinance.

(f) Examine, adjust and audit all unsettled claims against the city for payment of which any money may be drawn from the treasury, and after having examined each claim, with all accompanying vouchers and documents, shall certify thereon the balance or true state of the claim, but no such claim or any part thereof shall be audited against the city unless it is authorized by statute or ordinance, and is in proper and fully itemized form, and unless the amount required for its payment has been appropriated for that purpose by the general council, or until a classified list of such claims has been approved by the auditing committee and reported to and ordered to be paid by the general council.

(g) Countersign all warrants drawn on the treasurer for any payments, and duly record the amount and nature of the payment.

(h) Report the balance in the treasury each day to the mayor, and at each regular monthly meeting of the general council report the unexpended balance of each appropriation.

(i) Make annual reports to the general council, and to the mayor on his request, on the financial condition and requirements of the city, with careful estimates of receipts and expenditures.

(3) Whenever so ordered by the mayor, the auditor shall examine the records and proceedings of the *city* [police] court and of the justices' courts in the city and ascertain and report to the mayor all costs, fees, fines, money due upon judgments or replevin bonds and other money due the city, and the mayor shall see that such steps are taken as are necessary to have the same collected and paid into the treasury.

(4) The records of the auditor's office shall show the financial condition and operations of the city, its assets, claims and property, the expenditures authorized for public works, all contracts in which the city is interested, with the names of the contractors, and the indebtedness of the city.

(5) The books of the auditor shall be public records, and shall be open at all times to inspection by the mayor and the members of the general council and, under proper regulations, to the public.

Section 121. KRS 92.500 is amended to read as follows:

(1) An assessment of any real property, in a city of the fourth class, in the name of a person other than the true owner shall not be invalid, nor shall the lien of the tax be affected thereby. The assessor or collector, upon learning of the error and after notifying the true owner by mail, shall correct the assessment in this respect, and all proceedings for the collection of the tax may then proceed, subject to the right of the owner to have the valuation corrected at a meeting of the board of supervisors to be called for that purpose.

(2) If any person fails to give a list of his taxable property when called on by the assessor, or gives a false or fraudulent list, the assessor shall return him on his books as a delinquent, and the *city* [police] judge of the city shall, upon application of the assessor, issue a rule against the delinquent and compel true answers by process of contempt, and adjudge against the delinquent the costs of the proceedings.

(3) If any property subject to taxation has not been listed, the city legislative body may assess it, but not after more than five (5) years elapsed.

Section 122. KRS 92.790 is amended to read as follows:

(1) The city council of any city of the fourth class may order actions to be instituted for the collection and enforcement of any delinquent tax bill and the lien therefor. All actions for taxes on real property shall be brought in the circuit court of the county in which the city is located and enforced as other liens are enforced, and all actions for taxes on personal property may be brought in the *city* [police] court of the city. In all such actions the production of the tax bill shall be prima facie evidence of the correctness thereof, and that all proper steps were taken to fix the lien therefore.

(2) If any tax bill against a person not under disability of infancy, coverture or unsound mind is partly or wholly unpaid on the first Monday of November, the amount of the tax, together with interest at six per cent (6%) per annum, shall be a debt from that person to the city, arising as by contract, and may be enforced as such by all remedies given for the recovery of debts.

Section 123. KRS 92.990 is amended to read as follows:

(1) Any assessor or deputy assessor of a city of the second class who knowingly fails to assess any real or personal property subject to be taxed by the city shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), and shall forfeit his office and be ineligible thereto for five (5) years.

(2) Any assessor of a city of the second class who fails in any year to assess any lot or parcel of ground that is shown on the plat books in the office of the city auditor and is subject to be taxed by the city shall be fined one hundred dollars ($100) and a sum equal to the taxes on the lot or parcel of land for that year.

(3) Any assessor or deputy assessor of a city of the third class who violates subsection (5) of KRS 92.120 shall forfeit his office.

(4) Any person who refuses to attend or to be sworn when called as a witness by the board of equalization of any city of the second class, or refuses to answer any question, shall be subject to the penalties provided in subsection (6) of this section for a like refusal to the assessor.

(5) Any member of the legislative body or any officer of a city of the second to sixth class who violates any of the provisions of subsection (3) of KRS 92.360 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or imprisoned for not less than one (1) month nor more than one (1) year, or both, except that in cities of the second class the maximum fine shall be one thousand dollars ($1,000) instead of five hundred dollars ($500).

(6) If any person refuses to attend when summoned by the assessor or a deputy assessor of any city of the second class, or to be sworn to answer, or to answer, any question asked by the assessor or his deputy, the assessor or deputy may, in writing under oath, state the question and the fact of refusal to answer it and ask the *city* [police] judge to issue a warrant. If the question appears to be proper, the *city* [police] judge shall issue the warrant against the person refusing. Upon being convicted of refusing to answer a proper question, the person so refusing shall be fined ten dollars ($10.00) and compelled by process of contempt to answer that question and any other proper questions asked by the assessor or his deputy.

(7) If the assessor of any city of the fourth class fails to comply with the provisions of subsection (5) of KRS 92.490 the city council may remove him from office.

(8) Any collector or treasurer of a city of the fourth class who makes an illegal or unreasonable seizure or levy for taxes shall be liable in damage to the person aggrieved.

Section 124. KRS 95.480 is amended to read as follows:

(1) The chief of police in cities of the second class or a policeman acting under his authority shall attend all sessions of the city legislative body and the *city* [police] court, execute their orders, and preserve order at their sessions. All regular policemen shall be officers of the *city* [police] court. The chief of police shall collect the fees of the judge of the *city* [police] court and of the mayor, if required.

(2) The chief of police may receive the same fees, for the use of the city, that sheriffs are entitled to receive for like services, and have the same power to collect them.

(3) The chief of police, policemen deputized by him, and others to whom the process of the *city* [police] court is directed and comes for execution shall execute and return the process within the time prescribed by law for sheriffs to execute and return similar process, and on their failure they and their sureties shall be liable to the same penalties as sheriffs. They shall be subject to similar penalties for not paying over moneys collected on execution, making illegal charges, false returns and like illegal acts.

(4) The *city* [police] court may hear and determine motions against them and their sureties for failure to pay over moneys collected, as the circuit court has jurisdiction to hear and determine motions against defaulting sheriffs, or may proceed by fines and imprisonment to enforce the execution and return of process.

Section 125. KRS 95.660 is amended to read as follows:

(1) The city marshal in cities of the third class shall keep an office in the city hall or some other convenient place designated by the city legislative body and provided at the expense of the city. He or one (1) of his deputies shall be in the office during all business hours of the day.

(2) The city marshal shall settle his accounts with the city quarterly during each year, in the manner prescribed by ordinance. His reports of settlement shall be examined and certified by the prosecuting attorney and *city* [police] judge, and approved by the city legislative body.

Section 126. KRS 95.680 is amended to read as follows:

(1) The city marshal in cities of the third class shall wait upon the *city* [police] court of the city as the sheriff is required to wait upon the circuit court of his county. He shall be a peace officer of the city and the state, and the chief ministerial officer of the *city* [police] court.

(2) He shall attend and preserve order at all sessions of the city legislative body and the *city* [police] court, and shall obey the lawful mandates of the city legislative body, *city* [police] court and mayor.

(3) He shall execute all process and notices issued by the city clerk, mayor, and board or committee authorized to issue a process or notice, or its clerk.

(4) He may execute and return any process issued by any court or officer of the state, but he shall not be required to execute any process from any court except the *city* [police] court of his city. His jurisdiction shall be coextensive with his county.

(5) He shall perform such other duties as may be prescribed by law or ordinance.

Section 127. KRS 95.730 is amended to read as follows:

(1) In cities of the fourth and fifth classes the chief of police shall be in command of the police department, except that in cities of the fourth class he shall be second in command to the mayor.

(2) He shall attend all sessions of the city legislative body, execute its orders and preserve order at its sessions.

(3) He or a member of the police force designated by him shall attend all sessions of the *city* [police] court, act as sheriff at the court, and execute all process, orders and judgments of the court.

(4) The chief of police or any member of the police force shall cause proceedings to be instituted against any person carrying on business or doing any act without a license for which a license is required.

(5) In cities of the fifth class the chief of police shall have supervision of the city jail and the chain gang.

Section 128. KRS 95.787 is amended to read as follows:

Persons arrested for any bailable offense, in cities of the fourth or fifth class, may be placed in the station house, county jail or city jail for safekeeping, until taken before the *city* [police] court for examination.

Section 129. KRS95.800 is amended to read as follows:

(1) The police in cities of the sixth class shall be under the direction and control of the city marshal.

(2) The marshal shall have the powers of a sheriff for the suppression of any riot, disturbance of the peace, or resistance to law or authority. His lawful orders shall be promptly executed by deputies, police and watchmen of the city, and citizens shall lend him aid when required for the arrest of offenders and maintenance of public order.

(3) He may execute and return process issued to him by any legal authority. He shall receive the same fees as a constable for the service of process.

(4) He may, with the approval of the board of trustees, appoint deputy marshals. The only compensation of a deputy marshal shall be fees for service of process, which shall be the same as allowed to the marshal. The marshal and his sureties shall be responsible for the acts of his deputies.

(5) He may, with the approval of the board of trustees, appoint additional policemen necessary to preserve public order.

(6) He shall have charge of city prisoners, and of the chain gang if one (1) is established by the board of trustees.

(7) He shall prosecute all violations of city ordinances before the *city* [police] court.

(8) The marshal shall perform such other duties as the city ordinances require.

Section 130. KRS 98.010 is amended to read as follows:

The department of public welfare of cities of the first class shall be under the supervision and direction of a director to be designated director of welfare, and shall, except as otherwise provided by law, have exclusive control, under the acts of the general assembly and the ordinances of the legislative body of said cities, of all matters relating to the provision for and the supervision of the care of dependents and persons mentally deficient; the investigation of conditions that develop dependency, delinquency and mental deficiency; the education of the public regarding such conditions and the adoption of remedial measures; the supervision of public baths, comfort stations and cemeteries, the home for the aged and infirm, and the city workhouse; and may prescribe rules and regulations for the government and discipline of the inmates of the city's charitable and penal institutions, including in such rules general provisions for the deduction, for good conduct, from the time of persons confined in such penal institutions by reason of a judgment of the *city* [police] court of such city; and the supervision of the maintenance at the University of Louisville of classes in social welfare in order to provide trained workers for service in said department; and such other matters as may by ordinance be placed under the control of the said department not in conflict with any act of the general assembly. The director of welfare shall have the power to organize the said department for administrative purposes into such divisions as may be necessary for the proper conduct of the business of said department, and to appoint heads or chiefs of such divisions, who, under the supervision and control of said director, shall have the direction of such divisions.

Section 131. KRS 119.020 is amended to read as follows:

(1) Except as provided in subsections (3) and (4) of this section and in KRS 119.030, every political party shall nominate all of its candidates for elective offices to be voted for at any regular election at a primary election held as provided in this chapter, and the governing authority of any political party shall have no power to nominate any candidate for any elective office or to provide any method of nominating candidates for any elective office other than by primary elections as provided in this chapter.

(2) Any political organization not constituting a political party as defined in KRS 119.010 may make its nominations as provided in KRS 118.090.

(3) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination made by the primary before the ballots are printed for the regular election, the governing authority of the party may provide for filling the vacancy. When such a nomination has been made, the certificate of nomination shall be signed by the chairman and secretary of the governing authority of the party making it, and shall be filed in the same manner as certificates of nomination at a primary election.

(4) This chapter does not apply to candidates for subdistrict school trustees, members of boards of education, members of the legislative bodies of cities of the fifth or sixth class, or presidential electors, nor to candidates for mayor, *city* [police] judge or commissioner in cities of the fourth class operating under the commission form of government and in cities of the second, third or fourth class operating under the city manager form of government.

Section 132. KRS 135.030 is amended to read as follows:

(1) Each circuit court clerk, county judge, *city* [police] judge and justice of the peace shall, within ten (10) days after the adjournment of each term of court during which any judgment in favor of the state was rendered, issue proper process and place it in the hands of the sheriff on all such judgments that have not been paid or replevied in the office or remitted or respited by the governor, and each such clerk and judge shall, within ten (10) days after the maturity of each replevied bond on any such judgment entered in the court of which he is clerk or judge, issue executions and place them in the hands of the sheriff. Upon an execution so issued upon any replevied bond being returned by the sheriff without making the money, the officer who issued it shall reissue executions and place them in the hands of the sheriff from time to time at least once every ten (10) months for a period of five (5) years, and as often thereafter as demanded by the commonwealth's attorney, county attorney, sheriff or circuit court clerk. Upon all such judgments, executions or capias pro fine that are stayed or respited by the governor, the clerk or judge of the court in which the judgment has been entered shall issue proper process and place it in the hands of the sheriff within ten (10) days after the expiration of the stay or respite. A receipt shall be taken from the sheriff for all process placed in his hands pursuant to this section.

(2) Each circuit court clerk, county judge, *city* [police] judge and justice of the peace shall make out and forward to the department of finance, in June of each year, a complete list of all unpaid judgments rendered in his court in favor of the state, showing at what date capias or other process issued, to whom delivered, what return has been made and the date of the return.

(3) Upon the failure of any circuit court clerk, county judge, *city* [police] judge or justice of the peace to discharge his duties as required in this section, he shall be held responsible on his official bond for the amount of the judgment, interest and costs to which such failure is applicable.

(4) Nothing in this section shall authorize the governor to remit any judgment unless it is a fine imposed as a punishment.

Section 133. KRS 172.180 is amended to read as follows:

Any county containing a city of the second, third or fourth class may adopt the following method of financing the cost of operation and maintenance of the county law library, in lieu of the method set out in KRS 172.130 or KRS 172.170:

(1) Upon petition of three-fourths (3/4) of the duly licensed and practicing attorneys resident in the county addressed to the circuit judge of the county, to the effect that they, as officers of the various courts of the county, recognize the need of a more adequate county law library, there being attached to said petition an attested copy of a resolution of the fiscal court of the county indorsing the adoption of this optional method of financing the cost of operation and maintenance of the county law library, the circuit judge shall enter an order upon the official order book of the circuit court of the county noting that said optional plan for the financing of the cost of operation and maintenance of the county law library has been adopted.

(2) The order shall set forth the name of each duly licensed and practicing attorney signing said petition, and the county court order book and page number containing the resolution of the fiscal court.

(3) The order shall direct the following:

(a) That the clerk of the circuit court shall forthwith cause to be delivered to the clerk of every court in the county, including quarterly, county, justice's, and city [or police] courts, a certified copy of the order;

(b) That upon receipt of the order by the clerks of said courts there shall be taxed as costs in all actions, except examining trials and felony trials, thereafter instituted in said courts the following fee, which shall be designated as county law library fee: in quarterly, county, justice's, and city [or police] courts, a sum not to exceed fifty cents (50); in circuit courts, on all civil actions a sum not to exceed one dollar ($1.00); and on all misdemeanor trials, a sum not to exceed fifty cents (50); and

(c) That the clerks of the various courts shall at the end of each month, pay all sums collected as county law library fee in their respective courts, during the preceding month, to the trustees of the county law library, and the clerks shall make a full report with said payment, and receive a receipt for all payments.

Section 134. KRS 183.133 is amended to read as follows:

(1) The purpose of the board shall be to establish, maintain, operate, and expand necessary, desirable or appropriate airport and air navigation facilities. It shall have the duty and such powers as may be necessary, or desirable to promote and develop aviation, including air transportation, airports and air navigation facilities.

(2) The board shall establish and fix reasonable rates, charges and fees for the use of the landing area, ramps and other common aviation facilities. In fixing such rates, charges or fees the board may take into consideration, among other factors, the total capital investment by the board or other local or state governmental authority, the revenue needed properly to maintain such facilities, the revenue needed properly to expand the airport and its facilities, the portion of the facilities utilized by the licensee or contracting party and its customers and the volume and type of business conducted. Any party aggrieved by the rates, charges or fees may appeal from the action of the board to the circuit court of the county within which the board operates, within ninety (90) days from the date that the board finally publishes such rates, charges or fees and

gives notice of same to the contracting party or licensee. The circuit court may hear evidence and determine whether or not the rates, charges or fees are, or are not, reasonable in amount. Appeal from the judgment of the circuit court may be prosecuted as any other civil appeal.

(3) The board shall likewise have power, from time to time, to fix rates, charges or fees by contract, or by publishing general rates, charges or fees for commercial vendors, concessionaires or other persons for the use or occupancy of terminal or other ground use facilities, under such terms or conditions as it may deem to be in the best interest of maintaining, operating or expanding necessary airport or air navigation facilities, and the public use thereof.

(4) The board may acquire by contract, lease, purchase, gift, condemnation or otherwise any real or personal property, or rights therein, necessary, for establishing, operating or expanding airports and air navigation facilities. The board may erect, equip, operate and maintain on such property, buildings and equipment necessary, desirable or appropriate for airport or air navigation facilities. The board may dispose of any real or personal property, or rights therein, which, in the opinion of the board are no longer needed for operating or expanding the airport or air navigation facilities.

(5) The board or any other governmental unit may by resolution reciting that the property is needed for airport or air navigation purposes direct the condemnation of any property, including navigation or other easements. The procedure for condemnation shall conform to the procedures set out in KRS 416.120, or in the alternative, as nearly as practicable to KRS 177.081 to 177.089.

(6) The board or any other governmental unit may from time to time make, adopt and enforce such rules, regulations and ordinances as it may find necessary, desirable or appropriate for carrying into effect the purposes of this chapter, including those relating to the operation and control of the airport, airport facilities or air navigation facilities owned or operated by such board or such other governmental unit. All rules, regulations and ordinances adopted pursuant to this section shall be published according to the provisions of KRS 424.130, and the board or other governmental unit adopting them shall keep a permanent record of such rules, regulations and ordinances available for public inspection, on the airport premises. Prosecution for a violation of any rule, regulation or ordinance adopted pursuant to this section shall be in the *city* [police] court of any municipality or the county court of any county within which the airport is located.

Section 135. KRS 202.027 is amended to read as follows:

(1) Any peace officer who has reasonable grounds to believe that an individual is mentally ill and probably will cause injury to himself or others if not immediately restrained may detain that person with or without a warrant. The peace officer shall, as soon as practical, take the person before a physician for an examination. If the physician then certifies in writing that the individual in his opinion (a) probably will cause injury to himself or others if not restrained, and (b) lacks insight or capacity to apply for his own hospitalization, and if facilities are available and an authorized staff physician agrees, the person may be lodged in a hospital rather than jail pending a hearing as provided in subsection (3) of this section. The peace officer so detaining shall comply with the Rules of Criminal Procedure insofar as they are not in conflict with KRS chapters 202, 203 or 210.

(2) Persons suspected of being mentally ill but who have not been detained under the provisions of subsection (1) of this section may be proceeded against upon the filing of a complaint before any judge of a circuit, county, or *city* [police] court where the person signing the complaint states under oath that the person to be restrained is in their opinion mentally ill and probably will cause injury to himself or others and shall furnish to the judge facts upon which the complainant relied in reaching the conclusion in accordance with the Rules of Criminal Procedure. If, from the complaint it appears to the judge there is probable cause to believe the person named is mentally ill and probably will cause injury to himself or others he shall issue a warrant of arrest for the person named.

(3) Where a person has been detained by a peace officer or pursuant to warrant he shall be taken before a judge of a circuit, county, or *city* [police] court without unnecessary delay as provided in RCr 3.02. However, if the court is in possession of evidence that such a procedure would be harmful to the defendant, the presence of the defendant at the hearing may be waived. If after the hearing, the court is of the opinion that the defendant should be restrained it may order him to be hospitalized in a state hospital or, other hospital agreeing to admit, for a period not to exceed seven (7) consecutive days. Where the defendant is not present at the hearing the court shall in its order refer to the medical evidence relied upon to waive the presence of the defendant.

(4) If it is the opinion of an authorized staff physician of the hospital after examination that no emergency exists or that space is not available, the hospital may refuse to admit. If the patient is not admitted, the authorized representative of the hospital shall notify the court at once in writing of the decision and include with the notification a summary of the examination.

(5) Hospitalization under this emergency provision shall be for a period of time not to exceed seven (7) consecutive days from the date of the emergency order. Bail will not be set but release shall be by writ of habeas corpus.

(6) If at the end of seven (7) consecutive days a formal application has not been made for an indeterminate hospitalization or sixty (60) day observation order, then the patient shall be discharged and the court issuing the hospitalization order notified of the date of release.

Section 136. KRS 242.370 is amended to read as follows:

(1) When an officer or any reputable citizen files an affidavit with any circuit judge, county judge, *city* [police] judge or justice of the peace, describing premises or a vehicle, where alcoholic beverages are sold, disposed of or possessed in violation of this chapter, the judge or justice shall by his warrant cause the premises or vehicle to be searched for the detection of any alcoholic beverages which are possessed, or kept for disposition, in violation of this chapter.

(2) Any officer receiving such a warrant shall immediately execute it on the day it is received.

(3) If admission is not given on demand, the officers enforcing the warrant shall force an entrance into the premises or vehicle. If the officer finds that alcoholic beverages are being illegally sold, disposed of or possessed, he shall seize the alcoholic beverages, arrest the keeper or person in charge of the premises, vehicle or alcoholic beverages and carry the person arrested and the alcoholic beverages before the judge that has issued the warrant.

(4) No search warrant as provided for in this section shall be quashed if it and the affidavit on which it is based are sufficient on the face. If the search warrant is quashed no property taken by virtue of it shall be ordered returned unless the person from whose possession the property was taken both alleges and proves that he was in lawful possession of the property.

Section 137. KRS 242.990 is amended to read as follows:

(1) Any person who violates any of the provisions of this chapter, for which no other penalty is herein provided, shall, for the first offense, be fined not less than twenty (20) nor more than one hundred dollars ($100) and, if a natural person, imprisoned in the county jail for not less than thirty (30) nor more than sixty (60) days; for the second offense he shall be fined not less than forty (40) nor more than two hundred dollars ($200) and, if a natural person, imprisoned in the county jail for not less than sixty (60) nor more than one hundred and twenty (120) days; for the third and each subsequent offense he shall, if a natural person, be confined in the penitentiary for not less than one (1) nor more than two (2) years, and if a corporation, be fined not less than one thousand (1,000) nor more than two thousand dollars ($2,000).

(2) Any officer who violates subsection (2) of KRS 242.370 shall be fined not less than one hundred (100) nor more than five hundred dollars ($500).

(3) Quarterly courts, justices of the peace and *city* [police] courts shall have concurrent jurisdiction with the circuit court in the trial of all offenses committed under this chapter, where the penalty does not exceed a fine of one hundred dollars ($100) and imprisonment in the county jail for not exceeding sixty (60) days.

Section 138. KRS 383.030 is amended to read as follows:

(1) If any person is liable for rent due not later than one year thereafter, whether payable in money or some other thing, the person to whom the rent is owing or his agent or attorney may file an affidavit before a justice of the peace, *city* [police] judge or a judge of the quarterly court of the county in which the tenement lies, stating that there are reasonable grounds for belief, and that he does believe, that unless an attachment is issued he will lose his rent. That officer shall then issue an attachment for the rent against the personal property of the person liable for the rent, to any county the person suing out the attachment may desire. But the attachment shall not issue until the plaintiff has given bond, with good surety, to indemnify the defendant should it appear that the attachment has been wrongfully obtained.

(2) Attachments for rent issued for a sum of fifty dollars or less, exclusive of interest and costs, shall be returned before the officer issuing the attachment. Those for a sum exceeding fifty dollars and not exceeding two hundred shall, at the option of the party attaching, be returned before either the quarterly or circuit court of the county whence it issued; and, if over two hundred dollars, to the circuit court; and in either case the proceedings thereon shall be the same as on other attachments according to KRS Ch. 425 and the Rules of Civil Procedure.

(3) The defendant may deny the tenancy or his liability to pay rent, as stated in the affidavit. He may repossess himself of the property by executing bond in a manner similar to that prescribed in KRS Ch. 425, subject to similar proceedings if forfeited, as is prescribed by KRS Ch. 425 and the Rules of Civil Procedure on such a bond.

Section 139. KRS 383.040 is amended to read as follows:

(1) When rent is reserved in money a landlord or his agent may, before a justice of the peace, *city* [police] judge or a judge of the quarterly court in the county where the land lies, file an affidavit showing the amount of rent due and in arrears. That officer shall then issue a distress warrant, directed to the sheriff, marshal of the town or a constable of the county, authorizing him to distrain for the amount due, with interest and costs.

(2) A distress warrant may issue although the lease is not ended, but only for rent then due, and not after the lapse of six months from the time it was due.

Section 140. KRS 402.050 is amended to read as follows:

(1) Marriage shall be solemnized only by:

(a) Ministers of the gospel or priests of any denomination in regular communion with any religious society;

(b) Judges of the circuit court, judges of the county court, judges of the *city* [police] court and such justices of the peace as the Governor or the county court authorizes; or

(c) A religious society that has no officiating minister or priest and whose usage is to solemnize marriage at the usual place of worship and by consent given in the presence of the society, if either party belongs to the society.

(2) At least two persons, in addition to the parties and the person solemnizing the marriage, shall be present at every marriage.

Section 141. KRS 426.400 is amended to read as follows:

(1) Any person taken or charged in execution in any civil case may, by petition, apply for a discharge to a justice of the peace, the county judge or the *city* [police] judge of the county seat, who shall by warrant order the jailer to bring the body of the petitioner before him, at the courthouse on a specified day, and a list of the several executions with which he is charged. Ten days' notice of the time and place of such application, and a copy of the schedule of the property he intends to surrender, shall be given to the adverse party or his agent or attorney, if in the county.

(2) The petitioner, when brought before the judge or justice, shall subscribe and deliver a schedule of his property that is liable for his debts, and take an oath or affirmation in substance as follows:

"I, A B, do swear that the schedule now delivered contains, to the best of my knowledge and belief, a full, true and perfect account and discovery of all my estate and effects and of all debts owing to me or in trust for me, which are liable for my debts; and that I have not, directly or indirectly, sold, assigned or otherwise disposed of, in trust or otherwise, for my use or the benefit of another, or concealed any part of my effects whereby to secure the same, or to receive or expect any profit or advantage from them or to defraud any creditor."

(3) Upon the delivery of the schedule properly verified, the judge or justice, unless it appears that the petitioner has acted fraudulently, may, by warrant, command the jailer to discharge the petitioner forthwith, and the warrant shall justify the jailer's action. The schedule, together with the petition and warrant, shall be returned to, and kept safely on file by, the county court clerk of the county in which the prisoner was confined.

(4) The provisions of KRS 426.400 to 426.420 shall apply to a person imprisoned by order of a court of chancery to compel the payment of money under a judgment of the court.

Section 142. KRS 426.450 is amended to read as follows:

(1) Any person against whom a judgment for money is rendered, except as provided in KRS 426.470, may, if an execution thereon has not been placed in the hands of a collecting officer, replevy the judgment for three months before the circuit court clerk or the judge of the inferior court entering the judgment, by giving bond with good surety to be approved by the officer.

(2) Any person against whom a judgment imposing a fine has been entered, or any person confined in jail for the nonpayment of a fine, may replevy the fine for three months before the circuit court clerk or the judge of the inferior court entering the judgment, by giving bond with good surety to be approved by the officer taking the bond. If the bond is not paid at maturity the court in which the judgment imposing the fine was entered may issue a capias pro fine against the principal or may enforce the judgment by execution on the replevin bond against the surety for satisfaction of the bond, interest and costs, or any part thereof remaining unpaid.

(3) The bond, varied to suit the particular case, may be in substance as follows: "This day the defendant AB, together with CD, his surety come before the Clerk of the .... Court, or before the presiding quarterly, city or *city* [police] judge or justice of the peace of .... County, and undertake that they will satisfy and pay EF or the Commonwealth of Kentucky, the judgment, including interest, if any, and costs amounting to $ ...., rendered against AB, by this Court, within three months with legal interest on the whole amount thereof from this date."

Section 143. KRS 431.150 is amended to read as follows:

If in any trial in a circuit, county, quarterly, justice's or *city* [police] court of this state, the defendant has been compelled to remain in jail, by reason of his inability to execute bond, to answer the charge in the court in which he is held, and, on trial had in such court, he has been found guilty and his punishment fixed at a fine or a term in the county jail, he shall, in the case of a fine, be given credit at the rate of two dollars per day for each day he was so compelled to remain in jail, and in the case of a jail sentence, shall be given credit on such sentence for the time he was so compelled to remain in jail. The court shall endorse on the judgment a credit for the number of days the defendant was so compelled to remain in jail, and, in the case of a jail sentence, shall make an entry on the commitment, and the defendant shall be discharged from the county jail when he has served the full term for which he was convicted less such credit of time as he is to receive as

herein provided.

Section 144. KRS 436.220 is amended to read as follows:

Two justices of the peace, a county judge or a *city* [police] judge may cause any person charged with having no visible estate or lawful occupation but supporting himself for the most part by gambling, to be brought before them, and if the charge appears to be wellfounded, may require him to give surety for his good behavior in the sum of one hundred dollars for one year or commit him to prison until he gives it. If after the person gives the surety, he plays for or bets any money or thing of value during the year at any game, he shall be deemed to have broken his recognizance.

Section 145. KRS 439.070 is amended to read as follows:

(1) *City* [police] courts in cities of the second class may postpone the rendition of judgment in prosecutions for crime on such terms and conditions as it deems proper if:

(a) The defendant has pleaded or been found guilty;

(b) The defendant has never before been convicted of a felony in any state;

(c) The court is satisfied that the character of the defendant and circumstances of the case are such that he is not likely to engage in an offensive course of conduct again; and

(d) The public good does not require that the defendant suffer the penalty imposed by law.

(2) When the court thinks the sentence should no longer be postponed, it may cause a warrant to issue for the arrest of the defendant. Upon his arrest, the defendant may be sentenced and the sentence may be carried into immediate execution.

Section 146. KRS 439.177 is amended to read as follows:

(1) Any misdemeanant, sentenced for a period of 30 days or more, may if sentenced by the *city* [police] court of a city of the first, second or third class, petition the judge of the sentencing court for parole privileges. Any misdemeanant, sentenced by the *city* [police] court of a city of the fourth, fifth, or sixth class or by any court other than in a city of the first three classes, may petition the county judge of the county in which he is held, for parole privileges.

(2) The county or *city* [police] court judge shall study the record of all persons petitioning for parole and, in his discretion, may:

(a) Cause additional background or character information to be collected or reduced to writing by the Department of Corrections;

(b) Conduct hearings on the desirability of granting parole;

(c) Impose on the parolee such conditions as he sees fit;

(d) Order the granting of parole;

(e) Issue warrants for persons when there is reason to believe they have violated the conditions of their parole and conduct hearings on such matters;

(f) Determine the period of supervision for parolees, which period may be subject to extension or reduction;

(g) Grant final discharge to parolees.

(3) The county or *city* [police] court judge shall keep a record of his acts, and shall notify the appropriate jail official of his decision relating to the persons who are or have been confined therein.

(4) Whenever an order for parole is issued it shall recite the conditions thereof, and such orders shall be transmitted to the Department of Corrections.

(5) The period of time spent on parole shall not count as a part of the prisoner's maximum sentence except in determining the parolee's eligibility for a final discharge from parole as set out in subsection (7).

(6) Paroled prisoners shall be under the supervision of the department and subject to its decision for the duration of parole. Supervision of the parolee by the department shall cease at the time of recommitment of the prisoner to the jail as a parole violator, or at the time a final discharge from parole is granted by the county or *city* [police] court judge.

(7) When any paroled prisoner has performed the obligations of his parole during his period of active parole supervision the county or *city* [police] court judge may, at the termination of such period to be determined by the county or *city* [police] court judge, issue a final discharge from parole to the prisoner. Unless ordered earlier by the county or *city* [police] court judge, a final discharge shall be issued when the prisoner has been out of jail on parole a sufficient period of time to have been eligible for discharge from jail by maximum expiration of sentence had he not been paroled, provided before this date he had not absconded from parole supervision or that a warrant for parole violation had not been issued.

(8) The prisoner convicted of a misdemeanor and released on parole under the provisions of this statute shall be subject to all reasonable departmental rules and regulations.

Section 147. KRS 439.179 is amended to read as follows:

(1) Any person sentenced to a jail for a misdemeanor, nonpayment of a fine or forfeiture, or contempt of court, may be granted the privilege of leaving the jail during necessary and reasonable hours for any of the following purposes:

(a) Seeking employment; or
(b) Working at his employment; or
(c) Conducting his own business or other self-employment occupation including, in the case of a woman, housekeeping and attending the needs of her family; or
(d) Attendance at an educational institution; or
(e) Medical treatment.

(2) Unless such privilege is expressly granted by the court, the prisoner is sentenced to ordinary confinement. The prisoner may petition the court for such privilege at the time of sentence or thereafter, and, in the discretion of the court, may renew his petition. The court may withdraw the privilege at any time by order entered with or without notice.

(3) The jailer shall notify the Bureau of Employment Security, Kentucky Department of Economic Security, which shall endeavor to secure employment for unemployed prisoners under this section. If a prisoner is employed for wages or salary, they shall, by wage assignment, be turned over to the fiscal court which shall deposit the same in a trust checking account and shall keep a ledger showing the status of the account of each prisoner. Such wages or salary are not subject to garnishment of either the employer or the fiscal court during the prisoner's term, and shall be disbursed only as provided in this section; but for tax purposes they are the income of the prisoner.

(4) Every prisoner gainfully employed is liable for the cost of his board in the jail, at the amount established by law. If he defaults his privilege under this section is automatically forfeited. In those cases where the prisoner is confined for a breach of the bylaws or ordinances of a city, or for violation of a statute where the city gets the benefit of the fine, the board will be paid by the fiscal court to the city treasury. In those cases where the prisoner is confined for contempt, board shall be paid by the fiscal court to the state treasury. In all other cases the fiscal court shall receive the wages earned and disburse the funds as provided in subsection (5). The fiscal court may, by ordinance, provide that the county furnish or pay for the transportation of prisoners employed under this section to and from the place of employment.

(5) Unless otherwise ordered by the sentencing court or the county judge, the wages or salaries of employed prisoners shall be disbursed by the fiscal court on a monthly basis for the following purposes and in the order stated:
(a) The board of the prisoner;
(b) Support of the prisoner's dependents, if any;
(c) Payment, either in full or ratably, of the prisoner's obligations acknowledged by him in writing or which have been reduced to judgment;
(d) The balance, if any, to the prisoner upon his discharge.

(6) If the prisoner was convicted in a justice or a *city* [police] court, the county judge shall have authority and jurisdiction to make all determinations and orders under this section as might otherwise be made by the sentencing court after the prisoner is received at the jail.

(7) The fiscal court may direct that its functions under subsections (3) or (5) or both be performed by any bonded county official. Such order shall remain in force until rescinded by the fiscal court.

(8) The Department of Corrections shall, at the request of the county judge, investigate and report on the amount necessary for the support of the prisoner's dependents.

(9) The jailer may refuse to permit the prisoner to exercise his privilege to leave the jail as provided in subsection (1) for any breach of discipline or other violation of jail regulations for a period not to exceed 5 days.

(10) Nothing in this statute shall be construed to affect KRS 64.150 which provides for the payment of fees to the jailer. In this section "jail" refers to all misdemeanant institutions, and "jailer" to the superintendent thereof, but, in counties of the first class, "jailer" designates the sheriff who serves as superintendent of the jail.

Section 148. KRS 440.250 is amended to read as follows:

No person arrested upon such warrant shall be delivered over to the agent whom the executive authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of a circuit court, county court, or *city* [police] court in this state, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel; and if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest, the judge of such court shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. When such writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the prosecuting attorney of the county in which the arrest is made and in which the accused is in custody, and to the said agent of the demanding state.

Section 149. KRS 440.270 is amended to read as follows:

Whenever any person within this state shall be charged on the oath of any credible person before any judge or magistrate of this state with the commission of any crime in any other state and, except in cases arising under KRS 440.210, with having fled from justice, or with having been convicted of a crime in that

state and having escaped from confinement, or having broken the terms of his bail, probation or parole, or whenever complaint shall have been made before any judge or magistrate in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime, and, except in cases arising under KRS 440.210, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole and is believed to be in this state, the judge or magistrate shall issue a warrant directed to any peace officer commanding him to apprehend the person named therein, wherever he may be found in this state, and to bring him before the circuit judge, the judge of the county court or the *city* [police] judge of a city in the county in which he was arrested who may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

Section 150. KRS 440.400 is amended to read as follows:

(1) Any person arrested in this state charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of his bail, probation or parole may waive the issuance and service of the warrant provided for in KRS 440.220 and 440.230 and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any circuit court, county court or *city* [police] court within this state a writing which states that he consents to return to the demanding state; provided, however, that before such waiver shall be executed or subscribed by such person it shall be the duty of such judge to inform such person of his rights to the issuance and service of a warrant of extradition and to obtain a writ of habeas corpus as provided for in KRS 440.250.

(2) If and when such consent has been duly executed it shall forthwith be forwarded to the office of the Secretary of State of this state and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state, and shall deliver or cause to be delivered to such agent or agents a copy of such consent; provided, however, that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights or duties of the officers of the demanding state or of this state.

Section 151. KRS 441.270 is amended to read as follows:

The police matron or one of the assistant police matrons shall attend the circuit court and the *city* [police] court in the city whenever a female prisoner is brought before such courts, and shall have charge of the prisoner, subject to the orders of the court. If it becomes necessary to search a female prisoner, it shall be done by or in the presence of the matron or an assistant matron.

Section 152. KRS 446.010 is amended to read as follows:

As used in the statute laws of this state, unless the context requires otherwise:

(1) "Action" includes all proceedings in any court of this state;

(2) "Attorney" means attorney at law;

(3) "Bequeath" and "devise" mean the same thing;

(4) "Bequest" and "legacy" mean the same thing, and embrace either real or personal estate, or both;

(5) "Cattle" includes horse, mule, ass, cow, ox, sheep, hog or goat of any age or sex;

(6) "Company" may extend and be applied to any corporation, company, person, partnership, joint stock company or association;

(7) "Corporation" may extend and be applied to any corporation, company, partnership, joint stock company or association;

(8) "Directors," when applied to corporations, includes managers or trustees;

(9) "Domestic," when applied to corporations, means all those incorporated or formed by authority of this state;

(10) "Federal" refers to the United States;

(11) "Foreign," when applied to corporations, includes all those incorporated or formed by authority of any other state;

(12) "Issue," as applied to the descent of real estate, includes all the lawful lineal descendants of the ancestors;

(13) "Land" or "real estate" includes lands, tenements and hereditaments and all rights thereto and interest therein, other than a chattel interest;

(14) "Legatee" and "devisee" convey the same idea;

(15) "Magistrate" includes county judge, *city* [police] judge and justice of the peace;

(16) "May" is permissive;

(17) "Month" means calendar month;

(18) "Oath" includes "affirmation" in all cases in which an affirmation may be substituted for an oath;

(19) "Peace officer" includes sheriffs, constables, coroners, jailers, marshals, policemen and other persons with similar authority to make arrests;

(20) "Penitentiary" includes all of the state penal institutions except the houses of reform;

(21) "Person" may extend and be applied to bodies-politic and corporate, societies, communities, the public generally, individuals, partnerships and joint stock companies;

(22) "Personal estate" includes chattels, real and other estate that passes to the personal representative upon the owner dying intestate;

(23) "Regular election" means the election in even numbered years at which members of Congress are elected and the election in odd numbered years at which state officers are elected.

(24) "Shall" is mandatory;

(25) "State" when applied to a part of the United States, includes territories, outlying possessions and the District of Columbia; "any other state" includes any state, territory, outlying possession, the District of Columbia, and any foreign government or country;

(26) "Sworn" includes "affirmed" in all cases in which an affirmation may be substituted for an oath;

(27) "United States" includes territories, outlying possessions and the District of Columbia;

(28) "Vacancy in office," or any equivalent phrase, means such as exists when there is an unexpired part of a term of office without a lawful incumbent therein, or when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time appointed by law; it applies whether the vacancy is occasioned by death, resignation, removal from the state, county or district, or otherwise;

(29) "Violate" includes failure to comply with;

(30) "Will" includes codicils; "last will" means last will and testament;

(31) "Year" means calendar year; and

(32) "City" includes town.

Section 153. KRS 452.180 is amended to read as follows:

A party to a civil action pending before a justice's court or *city* [police] court shall have a change of venue to another justice's court of the same county upon making oath that he believes he cannot have a fair trial in the court in which the action is pending, and the action may be tried out of term time by the justice to whose court it is removed.

[CRIMINAL AND PENAL ACTIONS IN CIRCUIT COURTS]

Section 154. KRS 452.360 is amended to read as follows:

(1) In any criminal or penal action pending before a county court, quarterly court, justice's court or *city* [police] court, either party may have a change of venue to a justice's court for the same reasons that a change may be granted in civil cases pending in justices' courts.

(2) If a change of venue is granted, the trial shall be had before the justice's court to which the action is removed, and in the same manner as civil cases.

[ORIGINAL VENUE IN CIVIL ACTIONS]

Section 155. KRS 446.010 is amended to read as follows:

As used in the statute laws of this state, unless the context requires otherwise:

(1) "Action" includes all proceedings in any court of this state;

(2) "Attorney" means attorney at law;

(3) "Bequeath" and "devise" mean the same thing;

(4) "Bequest" and "legacy" mean the same thing, and embrace either real or personal estate, or both;

(5) "Cattle" includes horse, mule, ass, cow, ox, sheep, hog or goat of any age or sex;

(6) "Company" may extend and be applied to any corporation, company, person, partnership, joint stock company or association;

(7) "Corporation" may extend and be applied to any corporation, company, partnership, joint stock company or association;

(8) "Directors," when applied to corporations, includes managers or trustees;

(9) "Domestic," when applied to corporations, means all those incorporated or formed by authority of this state;

(10) "Federal" refers to the United States;

(11) "Foreign," when applied to corporations, includes all those incorporated or formed by authority of any other state;

(12) "Issue," as applied to the descent of real estate, includes all the lawful lineal descendants of the ancestors;

(13) "Land" or "real estate" includes lands, tenements and hereditaments and all rights thereto and interest therein, other than a chattel interest;

(14) "Legatee" and "devisee" convey the same idea;
(15) "Magistrate" includes county judge, *city* [police] judge and justice of the peace;
(16) "May" is permissive;
(17) "Month" means calendar month;
(18) "Oath" includes "affirmation" in all cases in which an affirmation may be substituted for an oath;
(19) "Peace officer" includes sheriffs, constables, coroners, jailers, marshals, policemen and other persons with similar authority to make arrests;
(20) "Penitentiary" includes all of the state penal institutions except the houses of reform;
(21) "Person" may extend and be applied to bodies-politic and corporate, societies, communities, the public generally, individuals, partnerships and joint stock companies;
(22) "Personal estate" includes chattels, real and other estate that passes to the personal representative upon the owner dying intestate;
(23) "Regular election" means the election in even numbered years at which members of Congress are elected and the election in odd numbered years at which state officers are elected.
(24) "Shall" is mandatory;
(25) "State" when applied to a part of the United States, includes territories, outlying possessions and the District of Columbia; "any other state" includes any state, territory, outlying possession, the District of Columbia, and any foreign government or country;
(26) "Sworn" includes "affirmed" in all cases in which an affirmation may be substituted for an oath;
(27) "United States" includes territories, outlying possessions and the District of Columbia;
(28) "Vacancy in office," or any equivalent phrase, means such as exists when there is an unexpired part of a term of office without a lawful incumbent therein, or when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time appointed by law; it applies whether the vacancy is occasioned by death, resignation, removal from the state, county or district, or otherwise;
(29) "Violate" includes failure to comply with;
(30) "Will" includes codicils; "last will" means last will and testament;
(31) "Year" means calendar year; and
(32) "City" includes town.
(33) "City Court" means "Police Court" as established by section 143 of the Constitution of the Commonwealth of Kentucky.

HB 679, AN ACT relating to transit authorities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 96A is created to read as follows:
The General Assembly of the Commonwealth of Kentucky hereby finds and determines as a legislative finding of fact that the institution, acquisition, preservation and continuation of mass transportation facilities to serve the general public is vital to the health, safety and material well-being of the citizens and inhabitants of the Commonwealth, and that the preservation and continuation of operations of mass transit facilities at reasonable rates to the public constitutes a proper application of the police power, will result in decreased automotive congestion, safer and more efficient utilization of the public ways, and the safe and effective movement of persons and property, and will thereby serve the public safety, health, convenience, enjoyment and general welfare.
Section 2. A new section of KRS Chapter 96A is created to read as follows:
(1) As used in this Act, the term "Mass Transportation Program" shall mean the provision of necessary funds by Public Bodies to Transit Authorities created pursuant to KRS Chapter 96A with which to acquire, operate and preserve mass transportation facilities.
(2) Public Bodies which have been parties to the creation and establishment of Transit Authorities, or who constitute the membership of such Transit Authorities, may, acting either individually or jointly, submit to either (i) the electorates of such Public Bodies, or (ii) the electorate of the Transit Area encompassed by any such Transit Authority, but only in the manner and pursuant to the procedures set forth in this Act, one or more proposals for the approval of a Mass Transportation Program to be financed by additional voted levies of ad valorem taxes upon all taxable property in such Public Body or Public Bodies. Such additional voted levies of ad valorem taxes upon all taxable property in any such Public Body shall never exceed in the aggregate the limits prescribed by the Constitution of Kentucky for any such Public Body.

(3) Public Bodies which have been parties to the creation and establishment of Transit Authorities, or who constitute the membership of such Transit Authorities, may, acting either individually or jointly, submit to either (i) the electorates of such Public Bodies, or (ii) the electorate of the Transit Area encompassed by any such Transit Authority, but only in the manner and pursuant to the procedures set forth in this Act, one or more proposals for the approval of a Mass Transportation Program to be financed by voted levies of occupational license fees. Such voted levies of occupational license fees shall not exceed one percent (1%) of (a) salaries, wages, commissions and other compensation earned by persons for work done and services performed or rendered, and (b) the net profits of businesses, trades, professions or occupations from activities conducted in the Public Body, or the Transit Area, except public service companies, banks, trust companies, combined banks and trust companies, combined trust, banking and title companies, and in all other cases where a Public Body is prohibited by law from imposing a license fee.

(4) Public Bodies which have been parties to the creation and establishment of Transit Authorities, or who constitute the membership of such Transit Authorities, may, acting either individually or jointly, submit to either (i) the electorates of such Public Bodies, or (ii) the electorate of the Transit Area encompassed by any such Transit Authority, but only in the manner and pursuant to the procedures set forth in this Act, one or more proposals for the approval of a Mass Transportation Program to be financed by the voted levy of an annual motor vehicle license fee with respect to each and every motor vehicle which is legally registered within either the geographical boundaries of such Public Body, or the Transit Area of such Transit Authority, as appropriate, such annual motor vehicle license fee not to exceed Fifteen Dollars ($15) in the case of any Transit Authority which includes in its membership a City of the First Class, and Seven Dollars and Fifty Cents ($7.50) in all other cases. As used herein, the term "motor vehicle" shall have the meaning ascribed by KRS 186.010(7)(a).

Section 3. A new section of KRS Chapter 96A is created to read as follows:

(1) Any Transit Authority created pursuant to the provisions of KRS Chapter 96A may, by resolution duly adopted by its Board in the manner prescribed by KRS 96A.060, request one or more of the Public Bodies which, upon the date of adoption of such resolution constitute members of such Transit Authority, either (i) to submit to their respective electorates, or (ii) to jointly submit to the electorate of the entire Transit Area encompassed by such Transit Authority a proposal for the approval or disapproval of a Mass Transportation Project. Such resolution shall set forth in detail, or shall incorporate by reference a detailed study in respect of, the Mass Transportation Program proposed for submission to such electorate or electorates, together with the proposed source or sources of funding thereof, subject to the limitations of this Act.

(2) Upon receipt of any such resolution of the Board of any such Transit Authority, the governing body of each Public Body to which such resolution is directed shall cause such resolution and the study for Mass Transportation Program contained therein to be carefully reviewed. The Public Body or Public Bodies may cause further studies to be made with respect to such request of such Transit Authority, and may require such Transit Authority to submit such further and additional date, statistics and information as may be required by such Public Body or Public Bodies in order to enable same to make a proper decision regarding any proposed Mass Transportation Program.

(3) In the event the governing body of any such Public Body shall determine that the public welfare requires the establishment of the Mass Transportation Program as proposed by such Transit Authority, the governing body of such Public Body may by resolution or ordinance determine that a proposal for the establishment of such Mass Transportation Program shall be submitted to the electorate of such Public Body. Such resolution or ordinance of such Public Body shall describe the Mass Transportation Program to be submitted to such electorate, together with the proposed source of funding therefor, which shall be expressed as either: (i) an ad valorem tax levy expressed as a certain maximum number of cents per each One Hundred Dollars ($100) of assessed valuation, subject to Constitutional limits; (ii) an occupational license tax, subject to the limitations of this Act; or (iii) an annual motor vehicle license tax, subject to the limitations of this Act.

(4) In the event the membership of any such Transit Authority consists of more than one Public Body, and in the event the resolution of the Board of such Transit Authority is directed to all such Public Bodies, all such Public Bodies may, by adoption of appropriate resolutions or ordinances determine that the proposition for the establishment of such Mass Transportation Program, together with the identified funding source therefor, shall be submitted to the electorate of the Transit Area of such Transit Authority rather than to the separate electorates of such Public Bodies. In such event, the election on the proposition regarding such Mass Transportation Program shall be held simultaneously within such Transit Area by all such Public Bodies and the notice of the election shall be uniform.

Section 4. A new section of KRS Chapter 96A is created to read as follows:

(1) The resolution or ordinance of each Public Body determining that a proposition for the establishment of a Mass Transportation Program be submitted to the electorate of such Public Body or to the electorate of the Transit Area of such Transit Authority, as the case may be, shall in each case be published in full in the newspaper or newspapers of bona fide circulation for such Public Bodies as provided by KRS

424.130. Thereafter, such Public Body or Public Bodies shall cause the proposition to be prepared for submission to the electorate of either such Public Bodies or such Transit Area of the Transit Authority, as the case may be, at an election to be called and held for such purpose. Such election may be held upon any date stipulated by the Public Body or Public Bodies and shall be held pursuant to notice as prescribed in KRS 424.130. Said election may, but need not, be held in conjunction with a regularly scheduled November election or a primary election as otherwise provided by law. The proposal to be submitted to the electorate of such Public Body or Public Bodies, or Transit Area of such Transit Authority, as the case may be, shall be so framed that any voter who wishes to vote in favor of the Mass Transportation Program and the financing source therefor may signify his approval by voting "yes", and any voter who wishes to vote against the Mass Transportation Program and the funding therfor may do so by voting "No".

(2) In the event any such Mass Transportation Program proposal is submitted to the electorate of any individual Public Body, such proposition and the source of funding therefor shall be approved if a majority of those voting on the proposal within the Public Body shall vote "yes".

(3) In the event any such Mass Transportation Program proposal is submitted to the electorate of any Transit Area of any such Transit Authority by simultaneous submission by all Public Bodies who are at the time of such submission members of such Transit Authority, such proposition and the source of funding therefor shall be approved if a majority of those voting on the proposal within the Transit Area of such Transit Authority shall vote "yes".

(4) Any additional voted levies of ad valorem taxes approved by electorates pursuant to this Act, shall in the case of individual Public Bodies, be added to and constitute legal tax levies of such individual Public Bodies within the meaning of the Constitution of Kentucky, and shall, in the case of votes taken in Transit Areas of Transit Authorities, constitute legal tax levies of each and every individual Public Body which is a member of any such Transit Authority within the meaning of the Constitution of Kentucky.

Section 5. A new section of KRS Chapter 96A is created to read as follows:

(1) The elections herein authorized shall, in the case of any individual Public Body, be called and held by the particular public officials of said Public Body responsible for the calling and holding of general elections. All ad valorem tax receipts, occupational tax receipts and mass transit license fee receipts derived in respect of any such elections shall be collected by the public officials of such Public Body statutorily responsible for such collection, and shall pending disbursement be held in a separate and special trust fund identified as the Mass Transit Trust Fund by said Public Body to be used solely and only for purposes of the Mass Transportation Program approved by the electorate of such Public Body, as hereinafter provided. Moneys therefrom shall be disbursed only upon order of the chief financial officer of such Public Body.

(2) In the event any election authorized by this Act is, pursuant to the provisions of this Act, to be submitted to the electorate of any Transit Area of a Transit Authority by all of the Public Bodies which are members of any such Transit Authority, and if one of such Public Bodies is a County which encompasses one or more additional Public Bodies, the Clerk of the County Court of such County (or the Clerk of each County Court in the event more than one County shall be a member of such Transit Authority) shall cause such election proposition to appear on the ballots or voting machine slips used in respect of the election on such proposition. All ad valorem tax receipts, occupational tax receipts and mass transit license fee receipts derived in respect of any such elections shall be collected by the proper public officials of such County or Counties statutorily responsible for such collection, and shall pending disbursement be held in a separate and special trust fund identified as the Mass Transit Trust Fund to be used solely and only for purposes of the Mass Transportation Program approved by the electorate of such Transit Area, as hereinafter provided. Said Mass Transit Trust Fund shall in such case be held in the custody of all Public Bodies which are members of such Transit Authority and moneys therefrom shall be disbursed only upon orders of the chief financial officers of all such Public Bodies.

Section 6. A new section of KRS Chapter 96A is created to read as follows:

Not less than annually any Transit Authority for the benefit of which a Mass Transportation Program has been approved by the electorate of any Public Body, or by the electorate of its Transit Area in the event all Public Bodies comprising the membership of such Transit Authority have submitted such Mass Transportation Program to the electorate of such Transit Area as provided by this Act, shall file with such Public Body or Public Bodies an annual budget of current expenses and an annual report, together with such other periodic reports and data as such Public Bodies may reasonably require and prescribe. Such annual budget may be approved or disapproved by such Public Body or Public Bodies, or may be caused by such Public Body or Public Bodies to be revised, amended, or otherwise altered in the sound discretion of such Public Body or Public Bodies. Provided, however, that no disbursement of any funds within any Mass Transit Trust Fund shall be made until such annual budget shall in its final form be approved by the governing bodies of all such Public Bodies.

Section 7. A new section of KRS Chapter 96A is created to read as follows:

(1) In addition to all other powers and rights granted by KRS Chapter 96A, Public Bodies are expressly authorized and empowered to enter into joint agreements and multi-municipal compacts with

Transit Authorities, and all other units of government, both Federal and State, for the acquisition, maintenance and operation of mass transportation facilities. Any such agreements may provide for proportionate payments by such Public Bodies for transit purposes based upon any reasonable criteria. including, but not by way of limitation, population and actual mass transit services rendered.

(2) Any such joint agreement or multi-municipal compact may provide by its terms that notwithstanding the fact that a Mass Transportation Program, together with the source of funding therefor, has been approved by the electorate or electorates of one or more of such Public Bodies, any such Public Body may, in any annual period, in lieu of utilizing such source of funding as approved by the electorate of any such Public Body, use and apply for purposes of making payments or contributions under such joint agreement or multi-municipal compact any other funds of such Public Body legally available therefor. Provided, however, that any source of funding approved by the electorate in connection with the approval of such a Mass Transportation Program shall not, as a result of such permissive funding by any such Public Body from other legally available sources, be rendered void or nugatory.

Section 8. A new section of KRS Chapter 96A is created to read as follows:

The continued operation of mass transportation facilities within the Commonwealth of Kentucky for the benefit of the general public constitutes a matter of the most extreme public need and urgency, and the increasing inability of many cities and counties in Kentucky to operate or cause to be operated mass transportation facilities for the benefit of the general public and for the protection of the health, safety and welfare without the curtailment of other essential governmental functions constitutes a serious threat to the Commonwealth. Accordingly, an emergency is declared to exist, and this Act shall be in full force and effect from and after its approval by the Governor of Kentucky as prescribed by law.

The Committee on Labor reported **HB 403, HB 477, HB 527, HB 535** with Committee Substitute and Committee Amendment attached thereto, and **HB 693** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 403, AN ACT relating to the safety and health of workers employed within the Commonwealth of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 338.041 is amended to read as follows:

(1) There is hereby created in the Department of Labor a program for occupational safety and health. This program shall consist of a division of occupational safety and health compliance and a division of education and training for occupational safety and health. This program shall administer all matters pertaining to occupational safety and occupational health and shall be under the supervision of an occupational safety and health coordinator.

[(1) There is hereby created in the Department of Labor a Division of Occupational Safety and Health, which shall be comprised of a subdivision for safety and a subdivision for health and any other subdivisions as may become necessary. This division shall administer all matters pertaining to occupational safety and occupational health.]

(2) The Department of Labor may require the assistance of other state agencies and may enter into agreements with other state agencies and political subdivisions of the Commonwealth for the administration of this chapter.

(3) The Department of Labor shall enter into an agreement with the Public Service Commission, which shall serve as the state agency in the administration of this chapter for all matters relating to occupational safety and occupational health with respect to utilities as defined in KRS 278.010, and their employes.

(4) The Department of Labor shall enter into an agreement with the Department *for Human Resources* [of Health] and other appropriate departments or agencies to conduct research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems in the administration of this chapter.

Section 2. A new section of KRS Chapter 338 is created to read as follows:

(1) Any affected employer may apply to the Commissioner of Labor for a rule or order for a variance from a standard promulgated under this chapter. Affected employees shall be given notice of each such application and an opportunity to participate in a hearing. The Commissioner shall issue such rule or order if he determines on the record, after opportunity for an inspection where appropriate and a hearing, that the

proponent of the variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by an employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an employer, employees, or by the Commissioner of his own motion, in the manner prescribed for its issuance under this subsection at any time after six months from its issuance.

(2)(a) Any employer may apply to the Commissioner for a temporary order granting a variance from a standard or any provision thereof promulgated under this section. Such temporary order shall be granted only if the employer files an application which meets the requirements of (b) of this subsection and establishes that (i) he is unable to comply with the standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alteration of facilities cannot be completed by the effective date, (ii) he is taking all available steps to safeguard his employees against the hazards covered by the standard, and (iii) he has an effective program for coming into compliance with the standard as quickly as practicable. Any temporary order issued under this subsection shall prescribe the practices, means, methods, operations, and processes which the employer must adopt and use while the order is in effect and state in detail his program for coming into compliance with the standard. Such a temporary order may be granted only after notice to employees and an opportunity for a hearing; provided, that the Commissioner may issue one interim order to be effective until a decision is made on the basis of the hearing. No temporary order may be in effect for longer than the period needed by the employer to achieve compliance with the standard or one year, whichever is shorter, except that such an order may be renewed not more than twice (i) so long as the requirements of this subsection are met and (ii) if an application for renewal is filed at least 90 days prior to the expiration date of the order. No interim renewal of an order may remain in effect for longer than 180 days.

(b) An application for a temporary order under this subsection shall contain:

(i) a specification of the standard or portion thereof from which the employer seeks a variance,

(ii) a representation by the employer, supported by representations from qualified persons having firsthand knowledge of the facts represented, that he is unable to comply with the standard or portion thereof and a detailed statement of the reasons therefor,

(iii) a statement of the steps he has taken and will take (with specific dates) to protect employees against the hazard covered by the standard,

(iv) a statement of when he expects to be able to comply with the standard and what steps he has taken and what steps he will take (with dates specified) to come into compliance with the standard, and

(v) a certification that he has informed his employees of the application by giving a copy thereof to their authorized representative, posting a statement giving a summary of the application and specifying where a copy may be examined at the place or places where notices to employees are normally posted, and by other appropriate means. A description of how employees have been informed shall be contained in the certification. The information to employees shall also inform them of their right to petition the Commissioner of Labor for a hearing.

(c) The Commissioner of Labor is authorized to grant a variance from any standard or portion thereof whenever he determines that such variance is necessary to permit an employer to participate in an experiment approved by him designed to demonstrate or validate new and improved techniques to safeguard the health or safety of workers.

Section 3. KRS 338.991 is amended to read as follows:

(1) Any employer who willfully or repeatedly violates the requirement of any section of this chapter, including any standard, regulation, or order promulgated pursuant to this chapter, may be assessed a civil penalty of up to $10,000 for each violation.

(2) Any employer who has received a citation for a serious violation of the requirements of any section of this chapter, including any standard, regulation, or order promulgated pursuant to this chapter, shall be assessed a civil penalty of up to $1,000 for each violation.

(3) Any employer who has received a citation for a violation of the requirements of any section of this chapter, including any standard, regulation, or order promulgated pursuant to this chapter, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of up to $1,000 for each violation.

(4) Any employer who fails to correct a violation for which a citation has been issued within the period permitted for its correction, may be assessed a civil penalty of up to $1,000 for each day during which such failure or violation continues.

(5) Any employer found to be in violation of subsection (3) of KRS 338.121 shall be assessed a civil penalty of up to $10,000 for each violation.

(6) The review commission shall have the authority to modify all civil penalties and fines provided for in this chapter. The review commission may, at its discretion, suspend the time period allotted for correction of a violation during the review of an appeal from the violation in question.

(7) All civil penalties and fines collected under the provision of this chapter shall be paid into the general fund.

(8) Any employer or individual who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter shall, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than six (6) months, or by both.

(9) Any person who gives advance notice of any investigation or inspection to be conducted under this chapter, without authority from the commissioner, shall, upon conviction, be punished by a fine of not more than $1,000 or by imprisonment for not more than six (6) months, or by both.

(10) Any employer or individual who refuses entry to any authorized representative of the commissioner while attempting to conduct an investigation or inspection under the provisions of this chapter, or in any way willfully obstructs him from carrying out his investigation or inspection, shall, upon conviction, be punished by a fine of not more than $1,000, or by imprisonment for not more than six (6) months, or by both.

(11) Any employer or individual who willfully causes bodily harm to any authorized representative of the commissioner while attempting to conduct an investigation or inspection under the provisions of this chapter, shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than one (1) year, or by both.

(12) As used in this section, a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(13) Any employer who wilfully violates any standard, rule, order or regulation adopted pursuant to this chapter, and that violation causes the death of any employee, shall be assessed a civil penalty of not more than $10,000 and further shall have the appropriate criminal charges placed against him; except that if the conviction is for a violation committed after a first conviction of such person, there shall be assessed a civil penalty of nor more than $20,000 and the appropriate criminal charges will be placed against him.

Section 4. KRS 338.151 is hereby repealed.

HB 477, AN ACT relating to minimum wage.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 337.010 is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Commissioner" means commissioner of labor; and

(b) "Department" means department of labor.

[(2) KRS 337.050 and 337.060 shall not apply to employers and employes subject to the provisions of the federal railway labor act, the federal safety appliance act, the federal railroad mediation act, the interstate commerce commission or the Kentucky public service commission, nor to hospitals or charitable institutions, nor to employes of the state or United States or political subdivisions of either, nor to farming or work performed in homes, residences, restaurants, hotels and apartment houses such as cleaning, waiting on tables, washing dishes, cooking, answering calls of guests and waiting upon them and general house, restaurant or hotel work and outside salesmen.]

(2) [(3)] As used in *this Act and KRS 337.340* [KRS 337.210 to 337.360] unless the context requires otherwise:

(a) *"Wages" include any compensation due to an employe by reason of his employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such allowances made in this chapter;* ["Fair wage" means a wage fairly and reasonably commensurate with the value of the service or class of service rendered;]

[(b) "Minor" means a person of either sex under the age of eighteen (18) years;]

[(c) "Occupation" means an industry, trade, or business or branch thereof or class of work therein in which employes are gainfully employed, but does not include domestic service in the home of the employer or labor on a farm;]

[(d) "Oppressive and unreasonable wage" means a wage that is both less than the fair and reasonable value of the services rendered and less than sufficient to meet the minimum cost of living necessary for health;]

[(e) "Woman" means a female of eighteen (18) years or over;]

(b) [(f)] "Employer" is any person who employs an employe and includes any person acting directly or indirectly in the interest of an employer in relation to an employe; and

(c) [(g)] "Employe" is any person employed by or suffered or permitted to work for an employer, *but shall not include:* [.]

(i) Any individual employed in agriculture if the employe is employed by an employer who did not, during any calendar quarter during the preceding calendar year, use more than five hundred man-days of agricultural labor, or if the employe is the parent, spouse, child, or other member of his agricultural employer's immediate family;

(ii) Any individual employed in a bona fide executive, administrative, supervisory or professional capacity, or in the capacity of outside salesman, or as an outside collector as such terms are defined by administrative regulations of the Commissioner;

(iii) Any individual employed by the United States;

(iv) Any individual employed in domestic service in or about a private home. The provisions of this section shall include individuals employed in domestic service in or about the home of an employer where there is more than one domestic servant regularly employed;

(v) Any individual classified and given a certificate by the Commissioner of Labor showing a status of Learner, Apprentice, Handicapped Worker, Sheltered Work-Shop Employe, and Student under administrative procedures and administrative regulations as prescribed and promulgated by the Commissioner of Labor. This certificate shall authorize employment at such wages, less than the established fixed minimum fair wage rates, and for such period of time as shall be fixed by the Commissioner and stated in the certificate issued to such person;

(vi) Employes of retail stores, service industries, hotels, motels, and restaurant operations whose average annual gross volume of sales made for business done is less than ninety five thousand dollars for the five preceding years exclusive of excise taxes at the retail level or if the employe is the parent, spouse, child, or other member of his employer's immediate family;

(vii) Any individual employed as a baby-sitter in employer's home, or live-in companion to a sick, convalescing or elderly person whose principal duties do not include housekeeping;

(viii) Any individual engaged in the delivery of newspapers to the consumer.

(d) "Agriculture" means farming in all its branches, including the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodity, the raising of livestock, bees, furbearing animals or poultry, and any practice, including any forestry or lumbering operations, performed on a farm in conjunction with such farming operations, including the preparation and delivery of produce to storage, or to market or to carriers for transportation to market;

(e) "Gratuity" means voluntary monetary contribution received by an employe from a guest, patron or customer for services rendered;

(f) "Tipped employe" means any employe engaged in an occupation in which he customarily and regularly receives more than $20 per month in tips;

(g) "U.S.C." means the United States Code.

[(4) KRS 337.210 to 337.360 shall not apply to any person subject to regulation by the public service commission.]

(3) [(5)] As used in KRS 337.505 to 337.550 unless the context requires otherwise:

(a) "Construction" includes construction, reconstruction, improvement, enlargement, alteration or repair of any public works by contract fairly estimated to cost more than $500;

(b) "Contractor" and "subcontractor" include any superintendent, foreman, or other authorized agent of any contractor or subcontractor who is in charge of the construction of the public works or who is in charge of the employment or payment of the employes of such contractor or subcontractor who are employed in performing the work to be done or being done by the contractor or subcontractor under the particular contract with any public authority;

(c) 1. "Locality" means the county where the physical work upon public works is performed, except if there is not available in the locality a sufficient number of competent skilled laborers, workmen, mechanics, helpers, and apprentices to efficiently and properly construct the public works, "locality" shall include any other locality nearest the one in which the work of construction is to be performed and from which such available skilled laborers, workmen, mechanics, helpers, and apprentices may be obtained in sufficient number to perform the work.

2. "Locality" with respect to contracts advertised or awarded by the department of highways of this state shall be determined by the commissioner of highways. He may designate any number of counties as constituting a single locality. He may also designate all counties of the commonwealth as a single locality, but, in no event, shall he designate less than an entire county as a locality.

(d) "Public authority" means any officer, board, or commission of this state, or any political subdivision or department thereof in the state, or any institution supported in whole or in part by public funds, including publicly owned or controlled corporations, authorized by law to enter into any contract for the construction of public works; and

(e) "Public works" includes all buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, waterworks and all other structures or work constructed under contract with this state, or any department or agency thereof, or political subdivision in the state.

(4) [(6)] In any case where the federal government or any of its agencies furnishes by loans or grants any part of the funds used in constructing public works, and if the federal government or its agencies prescribe predetermined prevailing minimum wages to be paid to mechanics and laborers employed in the construction of such public works and where KRS 337.505 to 337.550 is also applicable, those wages in each classification which are higher shall prevail.

Section 2. A new section of KRS Chapter 337 is created to read as follows:

(1) Except as may otherwise be provided pursuant to this Act, every employer shall pay to each of his employes wages at a rate of not less than $1.25 an hour, beginning July 1, 1974 increasing to $1.50 an hour, beginning January 1, 1975.

(2) For any employe engaged in an occupation in which he customarily and regularly receives more than twenty dollars per month in tips from patrons or others, the employer may pay as a minimum fifty percent of the wage prescribed in subsection (1) of this section if he can establish by his records that for each week where credit is taken, when adding tips received to wages paid, not less than the minimum rate prescribed in subsection (1) was received by the employe. No employer shall use all or part of any tips or gratuities received by employes toward the payment of the statutory minimum hourly wage as required by this section. Nothing, however, shall prevent employes from entering into an agreement to divide tips or gratuities among themselves.

Section 3. A new section of KRS Chapter 337 is created to read as follows:

No employer shall employ any of his employes for a work week longer than forty hours, unless such employe receives compensation for his employment in excess of forty hours in a work week at a rate of not less than one and one-half times the hourly wage rate at which he is employed. This provision does not apply to employes of retail stores engaged in work connected with selling, purchasing and distributing merchandise, wares, goods, articles or commodities or to employes of restaurant operations or to employes as defined and exempted from the overtime provision of the Fair Labor Standards Act in section 213(6) of Title 29, U.S.C.

Section 4. A new section of KRS Chapter 337 is created to read as follows:

Regulations issued by the Commissioner under this Act may include, but are not limited to, regulations defining and governing bona fide executive, administrative or professional employes; regulations governing learners, apprentices, handicapped workers, sheltered workshop employes, and students, regulations governing outside salesmen; bonuses; part-time rates; special pay for special or extra work; allowances as part of the wage rates applicable under this Act for board, lodging and gratuities; other facilities or services furnished by employers and used by employes; and other special items usual in a particular employer-employe relationship.

Section 5. KRS 337.310 is amended to read as follows:

(1) All questions of fact arising under *this Act and KRS 337.340* [KRS 337.210 to 337.360] except as provided in this section, shall be decided by the commissioner. There shall be no appeal from the decision of the commissioner on any question of fact, but there shall be a right of review by the circuit court. Either party may, within twenty (20) days after the rendition of a final order of the commissioner, by petition appeal to the circuit court that would have jurisdiction to try an action for breach of contract.

(2) The review is limited to determining whether or not:

(a) The commissioner or director acted without or in excess of his powers;

(b) The order or decision was procured by fraud;

(c) The order or decision is not in conformity to the provisions of *this Act and KRS 337.340* [KRS 337.210 to 337.360]; and

(d) If findings of fact are in issue, whether they support the order or decision.

(3) The circuit court shall enter judgment affirming, modifying or setting aside the order or decision.

Section 6. KRS 337.320 is amended to read as follows:

(1) Every employer shall keep a record of:

[(a) The ages of all minors in his employ;]

(a) [(b)] The amount paid each pay period to each employe;

(b) [(c)] The hours worked each day and each week by each employe; and

(c) [(d)] Such other information as the commissioner requires.

(2) Such records shall be kept on file for at least one (1) year after entry. They shall be open to the inspection and transcript of the commissioner or his authorized representative at any reasonable time, and every employer shall furnish to the commissioner or his authorized representative on demand a sworn statement of them. The commissioner may require the statement to be upon forms prescribed or approved by

him.

Section 7. A new section of KRS Chapter 337 is created to read as follows:

Except as otherwise provided herein, information secured from inspection of the records, or from the transcriptions thereof, or from inspection of the employer's premises by the Commissioner or his authorized representatives, shall be held confidential and shall not be disclosed or be open to any person except such information may be made available to:

(1) Officials concerned with, and for the purposes of administration of the laws relating to matters under the jurisdiction of the Commissioner;

(2) Any agency of this or any other state, or any federal agency for the purpose of enforcing this Act;

(3) To the Wage and Hour and Public Contracts Division of the United States, Department of Labor.

Section 8. A new section of KRS Chapter 337 is created to read as follows:

Every employer subject to any provision of this Act or of any regulations or orders issued under this Act shall keep copies of such summaries of wage and hour laws and regulations issued under this Act posted in a conspicuous and accessible place in or about the premises wherein any person subject thereto is employed. Employers shall be furnished copies of such summaries, orders and regulations by the state on request without charge. Failure to mail such summaries to an employer shall not relieve the employer from the duty of complying with the provisions.

Section 9. A new section of KRS Chapter 337 is created to read as follows:

(1) Any employer who pays any employe less than wages and overtime compensation to which such employe is entitled under or by virtue of this Act shall be liable to such employe affected for the full amount of such wages and overtime compensation, less any amount actually paid to such employe by the employer, for an additional equal amount as liquidated damages, and for costs and such reasonable attorney's fees as may be allowed by the court. Provided, that if, in any action commenced to recover such unpaid wages or liquidated damages, the employer shows to the satisfaction of the court that the act or omission giving rise to such action was in good faith and that he had reasonable grounds for believing that his act or omission was not a violation of this Act, the court may, in its sound discretion, award no liquidated damages, or award any amount thereof not to exceed the amount specified in this section. Any agreement between such employe and the employer to work for less than the applicable wage rate shall be no defense to such action. Such action may be maintained in any court of competent jurisdiction by any one or more employes for and in behalf of himself or themselves.

(2) At the written request of any employe paid less than the amount to which he is entitled under the provisions of this Act, the Commissioner may take an assignment of such wage claim in trust for the assigning employe and may bring any legal action necessary to collect such claim, and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court. The Commissioner in case of suit shall have power to join various claimants against the same employer in one action.

Section 10. A new section of KRS Chapter 337 is created to read as follows:

Any standards relating to minimum wages, maximum hours, overtime compensation, or other working conditions, in effect under any other law of this state which are more favorable to employes than standards applicable hereunder shall not be deemed to be amended, rescinded or otherwise affected by this Act but shall continue in full force and effect until they are specifically superseded by standards more favorable to such employes by operation of or in accordance with this Act or regulations issued thereunder.

Section 11. A new section of KRS Chapter 337 is created to read as follows:

Nothing in this Act shall be deemed to interfere with, impede, or in any way diminish the right of employes to bargain collectively through representatives of their own choosing in order to establish wages in excess of the applicable minimum or to establish hours of work shorter than the applicable minimum under this Act.

Section 12. A new section of KRS Chapter 337 is created to read as follows:

If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application thereof, to persons or circumstances shall not be affected thereby.

Section 13. KRS 337.990 is amended to read as follows:

(1) Any firm, individual, partnership or corporation that violates KRS 337.020 shall be fined not less than $25.00 nor more than $100 for each offense. Each failure to pay an employe the wages when due him under KRS 337.020 shall constitute a separate offense.

(2) Any person who violates KRS 337.030 shall be fined not more than $500 for each violation.

(3) Any employer who violates KRS 337.050 shall be fined not less than $25.00 nor more than $200 or imprisoned for not more than thirty (30) days, or both.

(4) Any person who violates KRS 337.060 shall be fined not more than $300 or imprisoned for not more than sixty (60) days, or both.

(5) Any employer who violates any provision of sections 2 through 12 of this Act, or willfully hinders or delays the Commissioner or his authorized representative in the performance of his duties under section 4 of this Act, or fails to keep and preserve any records as required under sections 6 and 8 of this Act, or falsifies

any such record, or refuses to make any such record or transcription thereof accessible to the Commissioner or his authorized representative shall, upon conviction therefore be fined not less than $100 nor more than $500.

[(5) Any employer or agent of an employer who fails to keep and present records as provided in KRS 337.320 or who falsifies such records, or who fails to keep posted a copy of the minimum fair-wage orders as required in KRS 337.330, or who in any way hinders the commissioner or his authorized representative in the enforcement of KRS 337.210 to 337.360 shall be fined not less than $25.00 nor more than $100. Each day of violation of any of these provisions shall constitute a separate offense.]

(6) Any employer who pays or agrees to pay wages at a rate less than the rate applicable under sections 2 and 3 of this Act, or any wage order issued pursuant thereto, shall, upon conviction therefore, be fined not less than $100 nor more than $500.

[(6) Any person who violates subsection (1) of KRS 337.350 shall be fined not less than $50.00 nor more than $200.]

(7) Any employer who discharges or in any other manner discriminates against any employe because such employe has made any complaint to his employer, to the Commissioner, or to his authorized representative that he has not been paid wages in accordance with this Act or regulations issued thereunder, or because such employe has caused to be instituted or is about to cause to be instituted any proceeding under or related to this Act, or because such employe has testified or is about to testify in any such proceeding, shall be deemed in violation of this Act and shall, upon conviction therefor, be fined not less than $100 nor more than $500.

[(7) Any person who violates subsection (2) of KRS 337.350 shall be fined not less than $50.00 nor more than $200 or be imprisoned not less than ten (10) days nor more than ninety (90) days, or both. Each day subsection (2) of KRS 337.350 is violated shall constitute a separate offense.]

[(8) Any person who violates any of the provisions of KRS 337.370 to 337.400 shall be fined not less than $25.00 nor more than $50.00 for the first offense, and for each subsequent offense he shall be fined not less than $50.00 nor more than $200 or imprisoned not less than ten (10) days nor more than ninety (90) days, or both.]

(8) [(9)] Any person who violates KRS 337.530 shall be fined not more than $100.

(9) [(10)] Any contractor or subcontractor who violates any wage or work hours provision in any contract under KRS 337.505 to 337.550 shall be fined not more than $100 for each offense, and said contractor or subcontractor shall make full restitution to all employes to whom he is legally indebted by reason of said violation. The prime contractor shall be jointly and severally liable with a subcontractor for wages due an employe of the subcontractor. For a flagrant or repeated violation the offending contractor or subcontractor shall be barred from bidding on, or working on, any and all public works contracts, either in his name or in the name of any other company, firm, or other entity in which he might be interested for a period of two (2) years from the date of the last offense. Each day of violation shall constitute a separate offense, and the violation as affects each individual worker shall constitute a separate offense.

(10) [(11)] Any public authority, public official, or member of a public authority who wilfully fails to comply or to require compliance with KRS 337.505 or 337.550 shall be fined not more than $100 for each offense. Each day of violation shall constitute a separate offense. Where a public authority, public official or member of a public authority wilfully or negligently fails to comply with KRS 337.505 to 337.550 and such failure results in damages, injury or loss to any person, such public authority, public official, or member of a public authority may be held liable therefor in a civil action.

(11) [(12)] Any person who fails to comply with KRS 337.070 shall be fined not less than $10.00, nor more than $100 for each offense and each day that such failure continues shall be deemed a separate offense.

Section 14. KRS 337.210, 337.220, 337.230, 337.240, 337.250, 337.260, 337.270, 337.280, 337.290, 337.300, 337.330, 337.350, 337.360, 337.365, 337.370, 337.380, 337.390, 337.400, 337.410, 337.991 are repealed.

HB 527, AN ACT relating to unemployment compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 341.380 is amended to read as follows:

(1) All benefits shall be paid through employment offices, or such other agencies as may be designated by regulations of the commission. Claims for all payments of benefits shall be made in accordance with regulations of the commission.

(2) The weekly benefit rate payable to an eligible worker for weeks of unemployment shall, except as provided in KRS 341.390, be an amount equal to one twenty-third of his base-period wages in that calendar quarter of his base period in which such wages were highest, except that no worker's weekly benefit rate shall be less than twelve dollars nor more than the maximum rate as determined in accordance with subsection (3) of this section.

(3) Prior to the first day of July of each year the commissioner shall determine the average weekly wage for insured employment by dividing the average monthly employment, as obtained by dividing the total monthly employment reported by subject employers for the preceding calendar year by twelve, into the total wages reported by such employers for such calendar year and dividing by fifty-two. *Sixty percent* [Fifty percent] of the amount thus obtained, adjusted to the nearest multiple of one dollar, shall constitute the maximum weekly benefit rate for those workers whose benefit year commences on or after the first day of July of such year and prior to the first day of July of the next following year.

(4) The maximum amount of benefits payable to any worker within any benefit year shall be the amount equal to whichever is the lesser of (a) twenty-six times his weekly benefit rate or (b) one-third of his base-period wages, except that no worker's maximum amount shall be less than fifteen times his weekly benefit rate. Such maximum amount, if not a multiple of one dollar, shall be adjusted to the nearest multiple of one dollar.

HB 535, AN ACT relating to hours and wages.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of KRS Chapter 337 is created to read as follows:

Employers shall grant their employes at least thirty (30) minutes for lunch, and such time shall be as close to the middle of the employe's scheduled work shift as possible. In no case shall an employe be required to take a lunch period sooner than three (3) hours after his work shift commences, nor more than five (5) hours from the time his work shift commences.

The Committee Substitute to **HB 535** is as follows:

HB 535, AN ACT relating to hours and wages.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 337 is created to read as follows:

Employers shall grant their employes a reasonable period for lunch, and such time shall be as close to the middle of the employe's scheduled work shift as possible. In no case shall an employe be required to take a lunch period sooner than three (3) hours after his work shift commences, nor more than five (5) hours from the time his work shift commences. This section shall not be construed to negate any provision of a collective bargaining agreement.

The Committee Amendment to the Committee Substitute to **HB 535** is as follows:

Amend printed copy of Committee Substitute for House Bill 535 page 1, line 3, by inserting after "Employers" the following:

", except those subject to the National Labor Relations Act and the Federal Railway Labor Act,"

HB 693, AN ACT relating to workmen's compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 342.316 is amended to read as follows:

(1) (a) The employer liable for compensation for occupational disease shall be the employer in whose employment the employe was last exposed to the hazard of the occupational disease during any period in which this section is applicable to a coal mine, an operator who acquired it or substantially all of its assets from a person who was its operator on and after January 1, 1973 shall be liable for, and secure the payment of, the benefits which would have been payable by the prior operator under this section with respect to miners previously employed in the mine if it had not been acquired by such later operator. At the same time, however, this subsection does not relieve the prior operator of any liability under this section. Also, it does not affect whatever rights the later operator might have against the prior operator. Said employer shall have the right to contribution from each previous employer, as determined in an independent civil action, wherein the employe was similarly exposed to the hazard of said occupational disease, in a sum equal to the ratio that each exposure employment time bears to the total exposure employment time except as otherwise provided in paragraph (a) of subsection (13) of this section.

(b) The time of the beginning of compensation payments shall be the date of the employe's last injurious exposure to the cause of the disease, or the date of actual disability, whichever is later.

(2) (a) The procedure with respect to the giving of notice and determination of claims in occupational disease cases and the compensation and medical benefits payable for disability or death due to such disease shall be the same as in cases of accidental injury or death under the general provisions of this chapter except that notice of claim shall be given to the employer as soon as practicable after the employe first experiences a distinct manifestation of an occupational disease in the form of symptoms reasonably sufficient to apprise him that he has contacted such disease, or a diagnosis of such disease is first communicated to him, whichever shall first occur.

(b) The procedure with respect to filing of claims shall be as follows:

1. The application shall set forth the work history of the applicant with concise description of injurious exposure to a specific occupational disease together with the names and addresses of employer or employers with the approximate date of employment *to the nearest month and year, supported by affidavit of the applicant's last employer of six months or more. The affidavit shall set forth the applicant's period of employment, the applicant's average weekly wage, and the type of work performed by the claimant, and shall be signed by an authorized agent of the employer and in the event the affidavit cannot be obtained the voluntary submission of any other documents such as payroll stubs, W-2 forms or social security forms, shall be deemed competent to prove the period of employment. The application shall also contain an authorization for any party defendant to obtain from the Social Security Administration the employment and earnings record of the claimant. The application* [and] shall also include [with the application] two written medical reports supporting his claim. These medical reports shall be made on the basis of comprehensive clinical examinations and shall contain full and complete statements of the results thereof. The reports shall be made by duly licensed physicians. The clinical examinations shall include x-ray examinations. However, the failure of an x-ray examination to disclose the presence of an occupational disease shall not affect the legal presumption referred to in subsection (5) of this section.

2. The filing of a properly executed application for adjustment of claim, accompanied by the two medical reports described in subparagraph 1. of this paragraph, shall satisfy the requirements of the presumptive clause set out in subsection (5) of this section and the burden of proof shall immediately thereafter shift to the employer and the Special Fund.

3. Immediately upon receipt of said application for adjustment of claim, the board shall notify the affected employer, the Special Fund and *all other party defendants* [any other interested party] of such claim and shall furnish them with a full and complete copy of the claim.

4. Upon receipt of notice of claim the employer, the Special Fund, and any other *party defendant* [interested party] shall have the right as provided under KRS 342.021 to have the claimant examined by competent medical experts.

5. Within sixty days of the filing of the claim the employer, the Special Fund, and any other *party defendant* [interested party] shall notify the board and the claimant *whether the right to have the claimant examined is being exercised and in the event such right is being exercised the notice shall state the name and address of the physician and the time of the appointment for the examination of the claimant and in the event the diseased employe is deceased his medical report shall be forwarded to such physician. All expenses shall be paid by the party requesting the examination on presentation of a verified bill, and within thirty (30) days after such examination a report shall be transmitted by the physician to the employer, the Special Fund, the claimant and any other party defendant. Within sixty (60) days after such examination the Special Fund or the employer or any other party defendant shall notify the board whether the claim will be resisted and if the Special Fund, employer or other party defendant elects to resist the reasons for resisting shall be stated in detail. Failure to so notify the board shall result in an award for the claimant.* [whether or not the claim will be resisted. If the claim is not resisted, then the board shall within ten days enter an order and award for the claimant.] If the claim is resisted, the board shall set a date for a hearing and shall notify all parties thereof.

In litigated claims the regular procedures prescribed by the Workmen's Compensation Board shall be followed.

6. No claim for compensation for occupational pneumoconiosis or silicosis shall be awarded under this section until such time as claimant has established exposure to the hazards of the disease for at least 180 working days within the Commonwealth of Kentucky. Said 180 days must be within the 365 days immediately preceding the day of last exposure.

(3) The right to compensation under this chapter for disability resulting from an occupational disease shall be forever barred unless a claim is filed with the Workmen's Compensation Board within three years after the last injurious exposure to the occupational hazard or after the employe first experiences a distinct manifestation of an occupational disease in the form of symptoms reasonably sufficient to apprise him that he has contracted the disease, whichever shall last occur; and if death results from the occupational disease within said period, unless a claim therefor be filed with the Workmen's Compensation Board within three years after such death; provided, however, that notice of such claim shall be deemed waived in case of disability or death where the employer, or his insurance carrier, voluntarily makes payment therefor, or, if the incurrence of the disease or the death of the employe, and its cause was known to the employer. Provided, however, that the right to compensation for any occupational disease shall be forever barred unless a claim is filed with the Workmen's Compensation Board within five years from the last injurious exposure to the occupational hazard, except that, in cases of radiation disease, a claim must be filed within 20 years from the last injurious exposure to the occupational hazard.

(4) The amount of compensation payable for disability due to occupational disease or for death from such disease, and the time and manner of its payment, shall be the same as provided for accidental injury or death under the general provisions of the Workmen's Compensation Act, but in no event to exceed such amounts as were in effect at the time of the last injurious exposure, and provided further, that the time of the beginning of compensation payments shall be the date of the employe's last injurious exposure to the cause of the disease, or the date of actual disability, whichever is later, and provided further, that in case of death where the employe has been awarded compensation or made timely claim within the period provided for in this section, an employe has suffered continuous disability to the date of his death occurring at any time within 20 years from the date of disability, his dependents, if any, shall be awarded compensation for his death as provided for under the general provisions of the Workmen's Compensation Act and in this section.

(5) Where the occupational disease is a compensable pneumoconiosis and there has been employment exposure for 10 years or more to an industrial hazard sufficient to cause the disability of pneumoconiosis there shall be a rebuttable presumption that the disability or death was due to the compensable pneumoconiosis.

(6) Where the employe is suffering or suffered from a chronic dust disease of the lung which (a) when diagnosed by chest roentgenogram, yields one or more large opacities (greater than one centimeter in diameter) and would be classified in category A, B, or C in the International Classification of Radiographs of the Pneumoconioses by the International Labor Organization, (B) when diagnosed by biopsy or autopsy, yields massive lesions in the lung, or (c) when diagnosis is made by other means, would be a condition which could reasonably be expected to yield results described in paragraph (a) or (b) if diagnosis had been made in the manner prescribed in paragraph (a) or (b), then there shall be an irrebuttable presumption that he is totally disabled due to pneumoconiosis or that his death was due to pneumoconiosis, as the case may be.

(7) In case of disability or death from silicosis, coal workers' pneumoconiosis, or any other compensable pneumoconiosis, complicated with tuberculosis of the lungs, pulmonary emphysema or other pulmonary dysfunction and there has been employment exposures to harmful dust or industrial hazards reasonably competent to produce such accompanying disease or dysfunction, there is a rebuttable legal presumption that all resultant disability therefrom is work related and compensable, and compensation shall be payable as for the uncomplicated disease, provided, however, that the disease or dysfunction was an essential factor in causing such disability or death.

(8) If an autopsy has been performed, no testimony relative thereto shall be competent unless the employer or his representative has available findings and reports of the pathologist or doctor who performed the autopsy examination.

(9) No compensation shall be payable for occupational disease if the employe at the time of entering the employment of the employer by whom compensation would otherwise be payable, falsely represented himself, in writing, as not having been previously disabled, laid off, or compensated in damages or otherwise, because of such disease, or failed or omitted truthfully to state to the best of his knowledge, in answer to written inquiry made by the employer, the place, duration and nature of previous employment, or, to the best of his knowledge, the previous state of his health.

(10) No compensation for death from occupational disease shall be payable to any person whose relationship to the deceased, which, under the provisions of this chapter would give right to compensation, arose, subsequent to the beginning of the first compensable disability, save only to after-born children of a marriage existing at the beginning of such disability.

(11) Whenever any claimant misconceives his remedy and files an application for adjustment of claim under the general provisions of this chapter and it is subsequently discovered, at any time before the final disposition of such cause, that the claim for injury, disability or death which was the basis for such application should properly have been made under the provisions of this section, then the application so filed may be amended in form or substance, or both, to assert a claim for such injury, disability or death under the provisions of this section, and it shall be deemed to have been so filed as amended on the date of the original filing thereof, and such compensation may be awarded as is warranted by the whole evidence pursuant to the provisions of this chapter. When such amendment is submitted, further or additional evidence may be heard by the board when deemed necessary. Nothing this section contains shall be construed to be or permit a waiver of any of the provisions of this chapter with reference to notice of time for filing of a claim, but notice of filing a claim, if given or done, shall be deemed to be a notice of filing of a claim under provisions of this chapter, if given or done within the time required herein.

(12) When an employe has an occupational disease that is covered by this chapter, the employer in whose employment he was last injuriously exposed to the hazard of the disease, and the employer's insurance carrier, if any, at the time of the exposure, shall alone be liable therefor, without right to contribution from any prior employer or insurance carrier; except as otherwise provided herein.

(13) (a) The employer liable for compensation for occupational diseases, other than silicosis or any other compensable pneumoconiosis, which developed to the point of disablement only after an exposure of five or more years, or for silicosis and any other compensable pneumoconiosis, shall be the employer in whose employment the employe was last exposed to the hazard of such occupational disease. In those cases where disability or death are not conclusively proven to be the result of such last exposure all compensation shall be paid out of the Special Fund for all claims filed prior to January 1, 1973; and 75 percent shall be paid by the Special Fund and 25 percent by the employer for all claims filed thereafter. *Provided, however, that where there is an award in which a specified percent of the compensation shall be paid by the Special Fund and a specified percent by the employer, all compensation shall be paid by the Special Fund, and the Special Fund shall be reimbursed for such payments by the employer or his carrier on a quarterly basis.* In all other cases of occupational diseases, other than silicosis or any other compensable pneumoconiosis, which developed to the point of disablement only after an exposure of five or more years, or for silicosis and any other compensable pneumoconiosis, the compensation for disability or death due to such diseases shall be paid jointly by the employer and the Special Fund, and the employer shall be liable for sixty percent of the compensation due and the Special Fund shall be liable for forty percent of the compensation due. Provided, however, that when there is a joint award against the carrier or self-insured employer and the Special Fund under this section, all of the compensation awarded shall be paid by the carrier or self-insured employer, and the carrier or self-insured employer shall be reimbursed for such payments from the Special Fund on a quarterly basis and under such regulations as the board may provide for such purpose.

(b) In all claims for compensation partially payable by the Special Fund the Commissioner of Labor, as custodian of said fund, shall be designated as co-defendant.

(c) In all agreements for the payment of compensation and awards the amount payable by the employer and the amount payable out of the Special Fund shall be separately stated. An award against the employer shall be for only the percentage of the total compensation which the employer is obligated to pay. A separate award shall be made against the Special Fund for the balance of the compensation payable. Nothing in this section shall prohibit the Commissioner of Labor, as custodian of the Special Fund, from entering into agreements to pay the compensation for which it is liable; provided, however, that where compensation is payable by both the employer and the Special Fund, the commissioner shall not enter into an agreement unless the employer is a party to the agreement.

(14)(a) In all cases where a permanent partial disability is awarded, due to an occupational disease, and the claimant subsequently is employed and due to such employment the occupational disease is aggravated into a totally disabling condition, the excess percentage of disability over and above the percentage of disability awarded to the claimant immediately prior to his subsequent employment shall be the liability of and payable from the Special Fund.

(b) Where the above paragraph is applicable the procedures followed shall be those as outlined in KRS 342.125.

(c) In those cases where an employe has been granted a permanent partial award due to an occupational disease and has subsequently been re-employed said partial permanent award shall not be considered for apportionment purposes under KRS 342.120.

Section 2. KRS 342.320 is amended to read as follows:

(1) All fees of attorneys and physicians, and all charges of hospitals under this chapter, shall be subject to the approval of the board. No attorney fees shall be allowed or approved against any party not represented by said attorney, nor shall any attorney fee be allowed or approved exceeding an amount equal to 20 per cent of the amount recovered as actuarily determined on past and future benefits according to the American Experience Table of Mortality and the Remarriage Tables of the Dutch Royal Insurance Institute. *In*

occupational disease claims, no fee for an attorney shall be allowed or approved exceeding a total amount equal to 20 percent of five years life expectancy of the claimant, regardless of the number of years the claimant's life expectancy is actually determined to be, and where an award is made to a claimant in a non-resisted claim as established under the provisions of KRS 342.316(2)(a) (5) the attorney fee shall not exceed $750. Provided, however, the board, in making an allowance of attorney fees, shall in each case examine the record to ascertain the extent of the services rendered, and fix a reasonable fee for the services rendered, not to exceed the maximum authorized by this section. The board may reduce the attorney's fee to an amount commensurate with the services performed, or may deny or reduce an attorney's fee upon proof of solicitation of employment.

(2) No attorney's fee in any case involving benefits under this chapter shall be paid until the fee is approved by the board, and any contract for the payment of attorney's fees otherwise than as provided in this section shall be void. The entire attorney's fee in a lump sum shall be paid directly to the attorney of record, and the board in allowing or approving an attorney's fee, as provided in this section, shall order the payment of same directly to the attorney, commuting sufficient of the final payments of compensation payable under the award to a lump sum for that purpose.

(3) The General Assembly declares that by the enactment of subsections (2) (b) and (7) of KRS 342.316, it is the legislative intent to encourage settlement and prompt administrative handling of such claims and thereby reduce expenses to claimants for compensation under the provisions of KRS 342.316, and the board shall give due regard to such legislative intent in the handling of uncontested claims and the allowance of attorney's fees therein.

The Committee on Labor and Industry reported **HB 645** with the expression of opinion that the same should not pass.

The Committee on Judiciary reported **HB 348,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 348, AN ACT providing for judicial review of administrative orders.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 276 is created to read as follows:

Any party to a proceeding before the Railroad Commission who is aggrieved by a final order entered by the Commission in such proceeding may, within twenty (20) days after being served with the order, or within twenty (20) days, after being served with an order disposing of an application for rehearing or modification, if such applications shall be permitted under the Commission's rules, appeal such final order to the Franklin Circuit Court. No order of the Commission shall become final or appealable so long as there is pending before the Commission a properly filed application for rehearing or modification.

Section 2. A new section of KRS Chapter 276 is created to read as follows:

The appeal shall be taken by filing in the Franklin Circuit Court a complaint against the Commission stating the grounds of the appeal, to which complaint a copy of the order appealed from shall be attached. Injunctive relief may be sought and granted in the manner provided by law.

Section 3. A new section of KRS Chapter 276 is created to read as follows:

Immediately upon being served with the summons on the complaint, the Commission shall deliver to the Clerk of the Franklin Circuit Court a complete, stenographically recorded transcript of all proceedings had and testimony taken before the Commission, duly certified by the reporter. The cost of preparing and certifying the transcript, which shall not exceed the rates allowed the official court reporter, shall be paid to the Commission by the party taking the appeal, and taxed as part of the costs, to be paid as directed by the court upon final determination of the action. Copies of the transcript shall be furnished at cost to any party to the proceedings.

Section 4. A new section of KRS Chapter 276 is created to read as follows:

The Commission's answer shall be served within twenty (20) days after service of the summons and may take the form of a general denial.

Section 5. A new section of KRS Chapter 276 is created to read as follows:

(1) In all proceedings in the Franklin Circuit Court, the burden of proof shall be upon the party seeking to vacate or set aside the Commission's order, which order shall be prima facie evidence of the facts therein stated. No evidence other than that presented to and heard by the Commission shall be introduced

except such evidence as the court is satisfied, by sworn testimony, could not have been discovered and produced before the Commission by the exercise of reasonable diligence.

(2) All such appeals shall be advanced on the docket and disposed of expeditiously.

(3) Any party may appeal from the final judgment of the Franklin Circuit Court to the Court of Appeals in the manner provided in the Rules of Civil Procedure.

Section 6. KRS 276.370 is repealed.

The Committee Substitute to **HB 348** is as follows:

HB 348, AN ACT providing for judicial review of orders of the Kentucky Railroad Commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 276.370 is amended to read as follows:

The Kentucky Railroad Commission may compel obedience to its lawful orders by mandamus, injunction or other proper proceedings in the Franklin Circuit Court, or any other court of competent jurisdiction, and such proceedings shall have priority over all pending cases. Any enforcement proceedings as provided herein shall not be brought, or, having been brought, shall be stayed during the pendency of any judicial review of the award or order pursuant to Section 276.375.

[The railroad commission shall fix such reasonable time as it deems proper in which the persons affected by an award or order entered by it shall notify the commission of their intention to comply with the award or order. If, at the expiration of that time, the persons have failed to file with the commission a statement in writing that they will proceed to comply with the order or award, or if after filing such a statement they fail to comply with the order or award, the chairman of the commission shall file a copy of the award or order, and of the evidence heard by the commission, in the office of the clerk of the circuit court of the county that would have jurisdiction of the controversy under the governing provisions of the statutes, and the clerk shall enter the case on the docket for trial. Summons shall be issued as in other cases, requiring the person against whom the award was rendered or the order made to appear within the time allowed in ordinary cases and show cause why the award or order should not be complied with. If the person summoned fails to appear, judgment shall be rendered by default and the same proceedings had thereon as in other ordinary cases. If a trial is demanded, the findings of the commission shall be prima facie evidence as to the facts found, and no evidence other than that heard by the commission shall be introduced by either party, except such evidence as the court is satisfied, by sworn testimony, could not have been produced before the commission by the exercise of reasonable diligence. In all other respects the case shall be tried and the judgment and proceedings thereon shall be the same as in other ordinary cases. The commission or any party may appeal from the judgment of the circuit court to the Court of Appeals. All proceedings in court under this section shall have precedence over all other actions except criminal prosecutions.]

Section 2. KRS 276.375 is created to read as follows:

This section may be referred to as the "Railroad Commission Judicial Review Act."

(1) This Act governs judicial review of final decisions of the Kentucky Railroad Commission only.

(2) Any party to a proceeding before the Kentucky Railroad Commission (hereinafter referred to in this Act as the Commission) who has exhausted all administrative remedies available within the Commission, and who is aggrieved by a final decision of the Commission, is entitled to judicial review of such final decision under this Act, but not otherwise.

(3) The Commission may, in accordance with its General Rules of Practice, and if sufficient reason therefor be made to appear, grant applications for rehearing, reargument, modification or reconsideration of its orders.

(4) If after rehearing, reargument or reconsideration of a decision or order, it shall appear that the original decision or order is in any respect unjust or unwarranted, the Commission may reverse, change or modify the same accordingly. Any decision or order made after rehearing, reargument or reconsideration, reversing, changing or modifying the original determination shall be subject to the same provisions with respect to rehearing, reargument or reconsideration as an original order.

(5) Where application for rehearing, reargument, reconsideration or modification of a decision or order of the Commission is made in accordance with the provisions of this section and the rules and regulations of the Commission, and the decision or order has not yet become effective, the decision or order shall be stayed or postponed pending disposition of the matter by the Commission. If the decision or order has become effective, the making of such an application shall not excuse any person from complying with or obeying the decision or order or operate to stay or postpone the enforcement thereof, without the special order

of the Commission. Provided, however, that the Commission must act on such petition within 20 days of its filing with the Commission and the failure to so act results in such petition being denied as a matter of law and the decision or order in question thereupon becomes final and subject to judicial review pursuant to the provision of this Act.

(6) When an application for rehearing, reargument, reconsideration or modification of any Commission decision or order shall have been made and shall have been denied, either expressly or as a matter of law, or after rehearing, reargument or reconsideration, otherwise disposed of by the Commission, a suit to review, enjoin, suspend or set aside such decision or order, in whole or in part, may be brought under the provisions of this Act, but not otherwise.

(7) Suits to review, enjoin, suspend, or set aside final Commission decisions or orders are instituted by filing a petition in the Franklin Circuit Court within 20 days after the party bringing such suit is served with the decision or order sought to be reviewed, enjoined, suspended or set aside, within 20 days of the day a decision or order becomes final under KRS 276.375 (5) or within 20 days after the party bringing such suit is served with an order disposing of a petition for rehearing, reargument, reconsideration or modification. Copies of the petition shall be served upon the Commission and all parties to the Commission proceeding sought to be reviewed.

(8) All actions specified in Section 276.375 (7) shall be brought by or against the Kentucky Railroad Commission.

(9) Any party or parties in interest to the proceedings before the Commission, in which a decision or order is made, may appear as parties on their own motion and as of right, and be represented by their counsel, in any action involving the review of such decision or order or any part thereof.

(10) The pendency of an action to review, enjoin, set aside or suspend any order of the Commission shall not of itself stay or suspend the operation of the order, but the court may, in the manner provided by law, and subject to the provisions of Section 276.375 (11) hereof, restrain or suspend, in whole or in part, the operation of the order pending the final hearing and determination of the action.

(11) Subject to the exceptions enumerated in this subsection, injunctive relief may be sought and granted in the manner provided by law. Provided, however, that in no event or under any circumstances shall any court, clerk of court, or county judge grant or issue any temporary restraining order or temporary injunction during the pendency of any action under this section unless and until the party requesting such restraining order or temporary injunction has given adequate bond as required by Kentucky Rule of Civil Procedure 65.05, the provisions of any other sections of Kentucky Revised Statutes, Rules, or cases to the contrary notwithstanding. The court, clerk of court, or county judge shall have no power or discretion to relieve any applicant for a temporary restraining order or temporary injunction from the requirement of posting such bond. Provided, further, that no temporary restraining order or preliminary injunction enjoining or restraining the collection of increased rates and charges, shall be issued in cases where the Commission has approved, authorized or required tariffs of increased rates or charges, when one of the provisions of such tariffs requires the railroads collecting such increased charges to refund to the persons paying such charges the difference between the rate or charge collected and the rate or charge finally approved, authorized or required by the Commission. In all such cases, the Commission decision or order shall become effective pending review under this section.

(12) Within 30 days after the service of the petition, or within such further time as may be allowed by the court, the Commission shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. The cost of preparing and certifying the record (which shall not exceed the rates allowed the official court reporter) shall be paid to the Commission by the party taking the appeal, and taxed as part of the costs, to be paid as directed by the court upon final determination of the action. Copies of the record shall be furnished at cost to any party to the proceedings. By stipulation of all parties to the proceedings, the record may be shortened. A party unreasonably refusing to limit the record may be taxed by the court for the additional costs.

(13) If, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the Commission, the court may order that the additional evidence be taken before the Commission upon conditions determined by the court. The Commission may modify its findings, conclusions, decisions or orders by reason of the additional evidence and shall file that evidence and any modifications, new findings, new conclusions, new decisions or new orders with the reviewing court.

(14) The review shall be conducted by the court without a jury and shall be confined to the record of the proceeding before the Commission. In cases of alleged irregularities in procedure before the Commission, not shown in the record, proof thereon may be taken in the court. The court, upon request, shall hear oral argument and receive written briefs. In all review actions under this section, the burden of proof shall be borne by the party seeking to enjoin, suspend, set aside or vacate the Commission's decision or order, in whole or in part.

(15) The reviewing court shall:

(a) Compel Commission action unlawfully withheld or unreasonably delayed; and

(b) Hold unlawful and set aside Commission action, findings, conclusions, decisions and orders found to be

1. Arbitrary or capricious, characterized by abuse of discretion, or otherwise not in accordance with the law;

2. Contrary to constitutional right, power, privilege or immunity;

3. In excess of statutory jurisdiction or authority, or limitations, or short of statutory right;

4. Deficient because of the Commission's failure to observe procedures required by law; or

5. Unsupported by the preponderance of the reliable, probative, and substantial evidence on the record as a whole.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee Consideration:

Highways and Traffic Safety: **HB 658**

Health and Welfare: **SB 42.**

The Clerk announced the following Bills and Resolutions have been withdrawn from Committee Consideration:

Health and Welfare: **HB 382.**

Calendar

HB 587, HB 232 with Committee Substitute attached thereto, and **HB 515** with Committee Substitute attached thereto, taken from the Calendar and ordered read at length for the second time. Representative Swinford moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Motions, Petitions and Communications

Representative Harris moved the adoption of the following Legislative Citation No. 110:

The House of Representatives of the Commonwealth of Kentucky hereby honors the memory of Denver Tabor, Conservation Officer of Crittenden County, who lost his life while attempting to rescue from drowning young Carey Chambliss. This Christian man was well-respected in the community as a law enforcement officer, and he was extremely active in church and civic affairs.

This body expresses its sympathy to the family and to the community on the loss of this fine man. (Sponsored by Representative Harris)

Agreed.

Representative Stone moved the adoption of the following Legislative Citation No. 106:

The House of Representatives of the Commonwealth of Kentucky hereby honors the Meade County Messenger for its contributions to Meade County and its growth. This body commends the Willis family--James Mercer, Thelma Marlow and Jane Marlow-for their dedicated efforts during the forty years Mr. Willis has been the publisher of the Meade County Messenger and for their individual achievements in the field of journalism.

This body recognizes the invaluable asset a newspaper is to a community and congratulates the Meade County Messenger and the Willis family for a job well done. (Sponsored by Representative Stone)

Agreed.

Senate Message

Announcing passage of **SB 60, SB 78, SB 142, SB 146, SB 200, SB 211, SB 227, SB 262, SB 263,** and **SB 290.**

HB 249 was returned with letter from the Clerk of the Senate dated March 4, 1974, as follows: "The Senate has receded from Amendment No. 4 to House Bill 249 and has repassed the bill with Amendment No. 5 only, and is respectfully returning it to this Honorable Body for concurrence."

Orders of the Day

HB 304 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kenton moved the adoption of the following Floor Amendment No. 2 to **HB 304:**

Amend printed copy of House Bill 304 page 3, line 8, by deleting "These numbers" and on page 3, line 9, by deleting line 9 in its entirety, and on line 3, page 10, by deleting line 10 in its entirety.

Agreed.

Representative Beshear moved the adoption of the following Floor Amendment No. 1 to **HB 304:**

Amend printed copy of House Bill 304 page 3, lines 6, 7, 8, 9, and 10, by deleting those lines in their entirety. And, on page 3, line 11, by striking "(d)" and inserting in lieu thereof "(c)".

On the roll call the vote was yeas 29-Allen, Arnold, Beshear, R. Brown, Clapp, Clarke, Crupper, Davis, DeMarcus, Gay, Hancock, Hellard, Hislope, Holloway, Kafoglis, Karem, Lewis, Lindsay, Little, Nett, Richardson, Roberts, Stone, Swinford, Troop, Vincent, G. White, Whitfield, Wible. Nays 38-Bennett, Blandford, Blume, Brewer, Bruce, Chandler, Denham, Dietz, Dunn, Graves, Head, Holbrook, Hughes, Isler, Kenton, Kidd, King, Louden, Mason, May, McBee, McBride, McGill, Morgan, O'Brien, Overstreet, Pearman, Priddy, Quickert, Rattliff, Reynolds, Romines, Schmaedecke, Schmidt, Stewart, Turner, Van Horn, J. White.

The Floor Amendment No. 1 to **HB 304** was rejected.

Representative Kenton moved that **HB 304** as amended be placed upon its passage.

On the roll call the vote was yeas 88-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible, Yates. Nays 0.

HB 304 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 304** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 386, SB 87,** and **HB 96** with Committee Amendment attached thereto, be deferred and that they retain their position in Orders of the Day. Agreed.

HB 166 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Rattliff moved the adoption of the following Floor Amendment No. 1 to **HB 166:**

Amend printed copy of House Bill 166 page 1, line 6, to delete the period "." following the word "States" and to delete the bracket "[" following the period

and on page 1, line 7, to delete the bracket "]" following "section."

and on page 1, line 10, to delete the bracket "[" at the beginning of the line

and on page 1, line 11, to delete the words "the crow,"

and on page 1, line 13, to delete the bracket "]" following "license."

and on page 1, line 14, to delete "*(2)*" and to delete the brackets "[]" enclosing "(3)"

On the roll call the vote was yeas 40-Allen, Bennett, Beshear, Bowles, Brewer, Bruce, Davis, DeMarcus, Denham, Dunn, Gay, Guenthner, Hancock, Hardin, Hislope, Holbrook, Holloway, Hughes, Hurst, Kenton, Lindsay, Louden, Mason, McBrayer, O'Brien, Overstreet, Rattliff, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stewart, Troop, Turner, G. White, Whitfield. Nays 38-Arnold, Benson, Blandford, Blume, Burch, Chandler, Clarke, Crupper, Donnermeyer, Foster, Givhan, Graves, Hellard, Isler, Kafoglis, Karem, Kidd, King, Lewis, Mann, McBride, McGill, Morgan, Pearman, Priddy, Quickert, Reynolds, Roberts, Sale, Siemens, Stone, Swinford, Thomas, Van Horn, Vincent, J. White, Wible, Yates.

The Floor Amendment No. 1 to **HB 166** was adopted.

Representative Richardson moved that the rules be suspended for action on Floor Amendment No. 3 to **HB 166.**

Representative Swinford moved that Floor Amendment No. 3 to HB 166 be sent to the Committee on Appropriations and Revenue.

Representative Swinford moved that the motion that the Floor Amendment No. 3 to **HB 166** be sent to the Committee on Appropriations and Revenue to be withdrawn. Agreed.

On the roll call the vote was yeas 51-Beshear, Blandford, Blythe, Bowles, Brewer, R. Brown, Bruce, Burch, Clapp, Clarke, DeMarcus, Denham, Givhan, Hancock, Hardin, Holbrook, Holloway, Hopkins, Hughes, Hurst, Karem, Kenton, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, Maynard, McBrayer, McBride, Morgan, Nett, O'Brien, Overstreet, Pearman, Rattliff, Richardson, Robinson, Romines, Schmidt, Sharpe, Smith, Stephens, Turner, Van Horn, Wells, G. White, J. White, Whitfield. Nays 33-Allen, Arnold, Bennett, Benson, Blume, Chandler, Crupper, Dawahare, Dietz, Donnermeyer, Dunn, Foster, Gay, Graves, Guenthner, Head, Hellard, Hislope, Kafoglis, Kidd, May, McGill, Priddy, Quickert, Roberts, Schmaedecke, Siemens, Stone, Swinford, Thomas, Vincent, Wible, Yates.

The motion that the rules be suspended for action on Floor Amendment No. 3 to **HB 166** was adopted.

Representative Richardson moved the adoption of the following Floor Amendment No. 3 to **HB 166:**

Amend printed copy of House Bill 166 page 1, adding a new section to read as follows:

There is hereby established a starling sanctuary in Harrison County and it shall be unlawful for any starling to roost or alight in any other place in the Commonwealth.

There is hereby appropriated the sum of five dollars ($5.00) to carry out the provisions of this Act.

Representative Graves moved that **HB 166,** with Floor Amendments attached thereto, be recommitted to the Committee on Appropriations and Revenue.

Representative Graves moved that the motion that **HB 166,** with Floor Amendments attached thereto, be recommitted to the Committee on Appropriations and Revenue be deferred. Agreed.

Representative McBride moved that the Floor Amendment No. 3 to **HB 166** be sent to the Committee on Appropriations and Revenue.

On the roll call the vote was yeas 43-Blandford, Blume, Bowles, Brewer, Bruce, Chandler, Clapp, Davis, DeMarcus, Denham, Dunn, Givhan, Graves, Guenthner, Hardin, Holbrook, Kafoglis, Kidd, King, Lewis, Lindsay, Little, Louden, Mason, McBee, McBride, McGill, Morgan, Pearman, Priddy, Rattliff, Richardson, Robinson, Romines, Sharpe, Smith, Stephens, Swinford, Troop, Turner, Vincent, Whitfield, Yates. Nays 29-Beshear, R. Brown, Burch, Clarke, Crupper, Dawahare, Foster, Gay, Hancock, Hislope, Holloway, Hopkins, Hughes, Hurst, Karem, Kenton, Mann, Maynard, O'Brien, Overstreet, Paxton, Schmaedecke, Siemens, Thomas, Van Horn, Wells, G. White, J. White, Wible.

The motion that the Floor Amendment No. 3 to **HB 166** be sent to the Committee on Appropriations and Revenue was adopted.

Representative Swinford moved that **HB 476** be recommitted to the Committee on Labor and Industry. Agreed.

Representative Swinford moved that consideration of **HB 397, HB 314** with Committee Substitute attached thereto, **HB 640, HJR 24** be deferred and that they retain their position in Orders of the Day. Agreed.

HB 21, by way of Committee Substitute as amended, taken from Orders of the Day. Representative Swinford moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative Graves moved that **HB 21,** by way of Committee Substitute as amended, be placed upon its passage.

On the roll call the vote was yeas 35-Benson, Blandford, Blume, Blythe, Brewer, Burch, Chandler, Clapp, Clarke, Donnermeyer, Dunn, Graves, Guenthner, Hopkins, Hurst, Kafoglis, Karem, Kenton, Kleier, Lindsay, Mann, Maynard, McBride, Nett, O'Brien, Priddy, Quickert, Richardson, Schmaedecke, Schmidt, Swinford, Thomas, Wells, G. White, Wible. Nays 58-Adams, Allen, Arnold, Bennett, Beshear, Bowles, R. Brown, Bruce, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Foster, Freeman, Gay, Hancock, Hardin, Harris, Head, Hellard, Hislope, Holbrook, Hughes, Isler, Kidd, King, Lewis, Little, Louden, Mason, May, McBee, McBrayer, McGill, Morgan, Overstreet, Pearman, Paxton, Reynolds, Roberts, Robinson, Sale, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Yates.

HB 21, by way of Committee Substitute as amended, was defeated.

HB 170, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the Committee Substitute for **HB 170.** Agreed.

Representative Swinford moved that **HB 170,** by way of Committee Substitute, be placed upon its passage.

On the roll call the vote was yeas 86-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Bowles, Brewer, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Lindsay, Little, Louden, Mann, Mason, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien,

Overstreet, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible. Nays 0.

HB 170, by way of Committee Substitute, was passed and title agreed to.

Representative Swinford moved that the vote by which **HB 170** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative J. White moved that the vote by which **HB 21,** by way of Committee Substitute as amended, was defeated be reconsidered and said motion be postponed indefinitely. Rejected.

HB 176, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the Committee Substitute for **HB 176.** Agreed.

Representative Swinford moved that **HB 176,** by way of Committee Substitute, be placed upon its passage.

On the roll call the vote was yeas 79-Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Hislope, Holbrook, Holloway, Hopkins, Hughes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Louden, Mann, Mason, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, G. White, Whitfield, Wible. Nays 2-Hellard, Lewis.

HB 176, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 176,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 253 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Dunn moved that **HB 253** be placed upon its passage.

On the roll call the vote was yeas 76-Adams, Allen, Arnold, Bennett, Benson, Blandford, Blume, R. Brown, Bruce, Burch, Chandler, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, G. White, J. White, Wible, Yates. Nays 1-DeMarcus.

HB 253 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 253** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 399 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stone moved that **HB 399** be placed upon its passage.

On the roll call the vote was yeas 87-Adams, Allen, Arnold, Bennett, Benson, Blandford, Blume, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Sharpe, Siemens, Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible, Yates. Nays 3-Clarke, Schmidt, Swinford.

HB 399 was passed and the title agreed to.

Representative Stone moved that the vote by which **HB 399** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 493** with Committee Amendment attached thereto, **HB 496,** and **HB 537** be deferred and that they retain their position in Orders of the Day. Agreed.

HB 641 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved the adoption of the following Floor Amendment No. 4 to **HB 641:**

Amend printed copy of House Bill 641 page 1, line 7, by deleting "["

and on page 1, line 19, by deleting "]"

and on page 2, line 1, by deleting "*(2)* ["

and on page 2, line 1, by deleting "]"

and on page 2, line 25, by deleting "["

and on page 3, line 1, by deleting "]"

and on page 3, line 2, by deleting "*(2)* ["

and on page 3, line 2, by deleting "]"

and on page 4, line 24, by deleting "*(4)* ["

and on page 4, line 24, by deleting "]"

and on page 11, line 25, by deleting "to" which follows apply, inserting in lieu thereof "or"

Agreed.

Representative Donnermeyer moved that **HB 641** as amended be placed upon its passage.

On the roll call the vote was yeas 55-Bennett, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Burch, Chandler, Crupper, Dawahare, Dietz, Donnermeyer, Dunn, Givhan, Graves, Head, Holbrook, Hopkins, Hughes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, May, McBee, McBrayer, McBride, Morgan, Nett, Overstreet, Paxton, Priddy, Quickert, Reynolds, Richardson, Romines, Schmidt, Siemens, Stone, Swinford, Thomas, Van Horn, Vincent, Watkins, J. White, Wible, Yates. Nays 16-Allen, Arnold, DeMarcus, Denham, Foster, Hancock, Hellard, Hislope, Hurst, Mason, Pearman, Roberts, Robinson, Stephens, Stewart, Turner.

HB 641 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 641** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 67,** with Committee Substitute and Committee Amendment attached thereto, be deferred and that it retain its position in Orders of the Day. Agreed.

HB 288, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the Committee Substitute for **HB 288.** Agreed.

Representative Swinford moved that **HB 288,** by way of Committee Substitute, be placed upon its passage.

Representative Denham moved the adoption of the Previous Question on **HB 288.**

On the roll call the vote was yeas 39-Blandford, Blume, Bowles, Bruce, Chandler, Clapp, Crupper, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Head, Hughes, Isler, Kidd, Mann, Maynard, McBee, McBride, McGill, Morgan, O'Brien, Pearman, Paxton, Priddy, Quickert, Sale, Siemens, Stewart, Turner, Van Horn, Watkins, Wells, J. White, Whitfield, Wible, Yates. Nays 36-Adams, Allen, Blythe, Brewer, R. Brown, Burch, Davis, Dawahare, DeMarcus, Freeman, Gay, Guenthner, Hardin, Hellard, Hislope, Holbrook, Holloway, Hopkins, Kafoglis, Karem, King, Little, Louden, Mason, May, McBrayer, Nett, Overstreet, Rattliff, Roberts, Robinson, Schmaedecke, Schmidt, Smith, Troop, G. White.

The motion that the Previous Question be adopted on **HB 288** was rejected.

Representative Robinson moved the adoption of the following Floor Amendment No. 7 to the Committee Substitute for **HB 288:**

Amend printed copy of Committee Substitute for House Bill 288 page 78, line 8, by adding the following:

(a) Grand jurors and petit jurors in circuit court shall each be paid *$10* [five dollars] per day for jury service. Persons whose names are on the jury list for jury service in circuit court, or are summoned under KRS 29.280 to supply a deficiency, who appear in person in court in response to summons who do not claim exemption or ask to be relieved from jury service, shall receive *$10* [five dollars] per day for each day they are required to be and are in attendance, even though they are not sworn or accepted for jury service.

(b) Except as the amounts which may be expended therefor may be limited by regulation issued by the Department of Finance, the cost of meals, and where they are kept together over night, the cost of lodging, for all petit jurors ordered to remain together in the custody of the sheriff during the trial of any case, shall be paid by the circuit clerk out of the funds advanced by the Department of Finance as provided in KRS 28.180. The clerk shall obtain a receipt for the payment of such costs which shall be included in his settlement with the Department of Finance.

(c) In courts inferior to the circuit court, except in counties containing a city of the second class, each juror shall be paid $1.50 for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

(d) In courts inferior to the circuit court, in counties containing a city of the second class, each juror shall be paid $1.50 for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

(2) To carry out the purposes of this section (section 17), there is appropriated to the Executive Department for Finance and Administration out of the General Expenditure Fund in the State Treasury the sum of $1,250,000 for the 1974-75 fiscal year and the sum of $1,250,000 for the 1975-76 fiscal year.

On the roll call the vote was yeas 35-Adams, Allen, Arnold, Brewer, R. Brown, Davis, Dawahare, DeMarcus, Denham, Freeman, Gay, Guenthner, Hardin, Hislope, Holbrook, Holloway, Hopkins, Hurst, Isler, Little, Mason, May, McBee, Overstreet, Rattliff, Richardson, Robinson, Schmaedecke, Schmidt, Sharpe, Smith, Stewart, Turner, Van Horn, J. White. Nays 46-Bennett, Benson, Beshear, Blandford, Blume,

Burch, Chandler, Clapp, Clarke, Crupper, Dietz, Donnermeyer, Dunn, Givhan, Graves, Hancock, Hellard, Hughes, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Mann, Maynard, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Paxton, Quickert, Reynolds, Roberts, Sale, Siemens, Stephens, Swinford, Troop, Watkins, Whitfield, Wible, Yates.

The Floor Amendment No. 7 to the Committee Substitute for **HB 288** was rejected.

Representative Freeman moved the adoption of the following Floor Amendment No. 3 to the Committee Substitute for **HB 288:**

Amend printed copy of Committee Substitute for House Bill 288 page 78, line 8, by adding the following:

(1) Notwithstanding the provisions of KRS 143.090, one-half of all receipts from the coal severance tax received during fiscal year 1974-75 in excess of $44 million, and one-half of all receipts from the coal severance tax received during fiscal year 1975-76 in excess of $48.5 million shall be credited to an economic development revolving fund to be administered by the executive department for finance and administration. The executive department for finance and administration shall apportion this fund among those counties from which coal was severed on the basis of the ratio that the coal severed in each county bears to the total coal severed for the entire state. At least once in each calendar year the executive department for finance and administration, through a duly authorized representative, shall consult with the fiscal courts of the various counties for the purpose of receiving recommendations from said fiscal courts for the selection of economic development projects within said counties for construction, reconstruction, or maintenance. The executive department for finance and administration shall give due consideration to the recommendation of the various fiscal courts with reference to the selection of the economic development projects for construction, reconstruction or maintenance and shall, provided agreement is reached, proceed to construct, reconstruct, or maintain such projects; provided, however, that the final decison shall be made by the Commissioner of the Executive Department for Finance and Administration.

(2) The office for local government within the executive department for finance and administration shall administer the economic development revolving fund established in Section 1 of this Act.

On the roll call the vote was yeas 50-Adams, Allen, Arnold, Bennett, Benson, Beshear, Brewer, R. Brown, Davis, Dawahare, DeMarcus, Denham, Freeman, Gay, Guenthner, Hancock, Hardin, Head, Hislope, Holbrook, Hopkins, Kenton, King, Lindsay, Little, Louden, Mason, May, McBrayer, McBride, Overstreet, Pearman, Paxton, Rattliff, Reynolds, Richardson, Roberts, Robinson, Sale, Schmidt, Sharpe, Smith, Stephens, Stewart, Troop, Turner, Van Horn, Wells, G. White, J. White. Nays 40-Blandford, Blume, Blythe, Bowles, Bruce, Burch, Chandler, Clapp, Crupper, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Harris, Hughes, Isler, Kafoglis, Karem, Kidd, Kleier, Lewis, Mann, Maynard, McBee, McGill, Morgan, Nett, O'Brien, Priddy, Quickert, Schmaedecke, Siemens, Swinford, Thomas, Watkins, Whitfield, Wible, Yates.

The Floor Amendment No. 3 to the Committee Substitute for **HB 288** was adopted.

The Speaker Pro Tempore assumed the Chair.

The Speaker resumed the Chair.

Representative Hopkins moved the adoption of the following Floor Amendment No. 4 to the Committee Substitute for **HB 288:**

Amend printed copy of Committee Substitute for House Bill 288 page 34, line 19, by deleting "(5)" and the commas immediately preceding and following "(5)"

page 34, line 23, by deleting line 23 in its entirety.

On the roll call the vote was yeas 19-Allen, Blythe, Brewer, Davis, DeMarcus, Foster, Gay, Guenthner, Hardin, Hislope, Holbrook, Holloway, Hopkins, Overstreet, Rattliff, Schmaedecke, Schmidt, Sharpe, Smith. Nays 63-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Bowles, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Denham, Dietz, Donnermeyer, Dunn, Givhan, Graves, Hancock, Harris, Hellard, Hurst, Isler, Kafoglis, Kenton, Kidd, Kleier, Lewis, Louden, Mann, Mason, May, Maynard, McBee,

McBrayer, McBride, McGill, Morgan, O'Brien, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Roberts, Romines, Siemens, Stephens, Stewart, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates.

The Floor Amendment No. 4 to **HB 288** was rejected.

Representative Hopkins moved the adoption of the Floor Amendment No. 5 to the Committee Substitute for **HB 288.**

Representative Richardson moved the adoption of the Previous Question on **HB 288.**

Recess

Representative Blume moved that the House recess for twenty minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 112** and **SB 172** had been examined and found correctly enrolled. **SB 112** and **SB 172** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Orders of the Day (continued)

HB 288, by way of Committee Substitute, continued.

Representative Richardson moved that the motion that the Previous Question be adopted on **HB 288** be withdrawn. Agreed.

Representative Hopkins moved the adoption of the following Floor Amendment No. 5 to the Committee Substitute for **HB 288:**

Amend printed copy of Committee Substitute for **HB 288** page 31, line 20, by striking the amounts after the word "Program" and inserting in lieu thereof:

"$316,318,400 $361,200,500"

and on page 31, line 22, by striking the amounts after the word "Fund" and inserting in lieu thereof:

"$316,318,400 $361,200,500"

and on page 32, lines 8 through 12, by striking the table in its entirety and inserting in lieu thereof the following:

Rank	I	II	III	IV	V
Experience					
0-3 Years	$7,934	$7,371	$6,807	$2,900	$2,600
4-9 Years	$9,042	$8,478	$7,934	$2,900	$2,600
10 Years & Over	$9,677	$9,113	$8,570	$2,900	$2,600

and on page 32, lines 22 through 24, and on page 33, lines 1 and 2, by striking the table in its entirety and inserting in lieu thereof the following:

Rank	I	II	III	IV	V
Experience					
0-3 Years	$8,822	$8,195	$7,567	$2,900	$2,600
4-9 Years	$10,045	$9,418	$8,822	$2,900	$2,600

10 Years & Over $10,755 $10,128 $9,522 $2,900 $2,600

and on page 63, line 21, by striking the amount "$211,782,000" and inserting in lieu thereof "$191,982,000";

and on page 64, line 4, by striking the amount "$94,907,300" and inserting in lieu thereof "$75,107,300".

On the roll call the vote was yeas 20-Adams, Allen, Blythe, Brewer, Davis, DeMarcus, Freeman, Gay, Guenthner, Hardin, Hislope, Holbrook, Holloway, Hopkins, Overstreet, Rattliff, Robinson, Schmaedecke, Schmidt, Smith. Nays 61-Arnold, Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Harris, Head, Hellard, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Louden, Mann, Maynard, McBee, McBride, Morgan, O'Brien, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Roberts, Romines, Siemens, Stephens, Stewart, Swinford, Troop, Turner, Van Horn, Vincent, J. White, Whitfield, Wible, Yates.

The Floor Amendment No. 5 to the Committee Substitute for **HB 288** was rejected.

Representative Hopkins moved the adoption of the following Floor Amendment No. 6 to the Committee Substitute for **HB 288:**

Amend printed copy of Committee Substitute for **HB 288** page 78, line 7, by adding thereafter the following:

"17. To carry out the purposes of House Bill 474, An Act relating to educational benefits for Vietnam Era veterans, in the event such bill is approved by the 1974 Regular Session of the General Assembly, there is appropriated to the Kentucky Higher Education Assistance Authority out of the General Fund in the State Treasury the sum of $2,750,000 for the 1974-75 fiscal year and the sum of $3,250,000 for the 1975-76 fiscal year."

and on page 63, line 21, by striking "$211,782,000" and inserting in lieu thereof "$205,782,000";

and on page 64, line 4, by striking "$94,907,300" and inserting in lieu therof "$88,907,300".

On the roll call the vote was yeas 31-Allen, Blythe, Bowles, Brewer, R. Brown, Davis, DeMarcus, Denham, Dunn, Freeman, Gay, Guenthner, Hardin, Hislope, Holbrook, Hopkins, Hughes, King, May, McBee, Overstreet, Rattliff, Robinson, Schmaedecke, Schmidt, Sharpe, Smith, Stewart, Thomas, Troop, Turner. Nays 46-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Burch, Chandler, Clapp, Clarke, Crupper, Dawahare, Dietz, Givhan, Graves, Hancock, Harris, Hellard, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Mann, Maynard, McBrayer, McBride, McGill, Morgan, Nett, Pearman, Paxton, Quickert, Reynolds, Richardson, Roberts, Siemens, Stephens, Swinford, Van Horn, Vincent, J. White, Whitfield, Wible, Yates.

The Floor Amendment No. 6 to the Committee Substitute for **HB 288** was rejected.

Representative DeMarcus moved the adoption of the following Floor Amendment No. 1 to the Committee Substitute for **HB 288:**

Amend printed copy of Committee Substitute for **HB 288** page 70, line 26, by striking line 26 in its entirety;

and on page 71, lines 1 through 11, by striking in their entirety, and on line 12, by striking the number "8" and inserting in lieu thereof the number "7";

and on page 72, line 20, by striking the number "9" and inserting in lieu thereof the number "8";

and on page 73, line 5, by striking the number "10" and inserting in lieu thereof the number "9"; and on line 15, by striking the number "11" and inserting in lieu thereof the number "10";

and on page 75, line 8, by striking the number "12" and inserting in lieu thereof the number "11";

and on page 76, line 11, by striking "General Contingency Fund which is" and by striking lines 12 through 24 in their entirety and inserting in lieu thereof the following:

"Foundation Program Fund, the increase of which shall be used to make percentage increases in the appropriations to the categories of instructional salaries, capital outlay and other current operating expenses."

and on page 77, line 2, by striking "General Contingency Fund which is" and by deleting lines 3 through 15 in their entirety and inserting in lieu thereof the following:

"Foundation Program Fund, the increase of which shall be used to make percentage increases in the appropriations to the categories of instructional salaries, capital outlay and other current operating expenses."

On the roll call the vote was yeas 22-Adams, Allen, Blythe, Bowles, Brewer, Davis, Dawahare, DeMarcus, Freeman, Gay, Guenthner, Hislope, Holbrook, Hopkins, Lindsay, Maynard, Overstreet, Rattliff, Robinson, Schmaedecke, Schmidt, Smith. Nays 55-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Burch, Chandler, Clapp, Clarke, Crupper, Dietz, Donnermeyer, Dunn, Givhan, Graves, Hancock, Hellard, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Louden, Mann, May, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Pearman, Paxton, Quickert, Reynolds, Richardson, Roberts, Siemens, Stephens, Stewart, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Whitfield, Wible, Yates.

The Floor Amendment No. 1 to the Committee Substitute for **HB 288** was rejected.

Representative McBride moved that the vote on Floor Amendment No. 3 to the Committee Substitute for **HB 288** be reconsidered.

On the roll call the vote was yeas 44-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Bowles, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Isler, Kafoglis, Kenton, Kidd, Kleier, Lewis, Mann, Maynard, McBee, McBride, McGill, Morgan, Nett, O'Brien, Paxton, Priddy, Quickert, Romines, Sale, Siemens, Swinford, Thomas, Whitfield, Wible, Yates. Nays 41-Adams, Allen, Brewer, R. Brown, Davis, Dawahare, DeMarcus, Denham, Freeman, Gay, Guenthner, Hardin, Head, Hellard, Hislope, Holbrook, Hopkins, Karem, King, Lindsay, Little, Mason, May, McBrayer, Overstreet, Pearman, Rattliff, Richardson, Roberts, Robinson, Schmidt, Sharpe, Smith, Stephens, Stewart, Stone, Troop, Turner, Van Horn, G. White, J. White.

The motion that the vote on Floor Amendment No. 3 to the Committee Substitute for **HB 288** be reconsidered was adopted.

Representative McBride moved the adoption of the Floor Amendment No. 3 to the Committee Substitute for **HB 288.**

On the roll call the vote was yeas 45-Adams, Allen, Beshear, Brewer, R. Brown, Davis, Dawahare, DeMarcus, Denham, Freeman, Gay, Hancock, Hardin, Head, Hellard, Hislope, Holbrook, Hopkins, Hurst, King, Lindsay, Little, Louden, Mason, May, McBrayer, Overstreet, Pearman, Rattliff, Reynolds, Richardson, Roberts, Robinson, Schmidt, Sharpe, Smith, Stephens, Stewart, Stone, Troop, Turner, Van Horn, Wells, G. White, J. White. Nays 47-Arnold, Bennett, Benson, Blandford, Blume, Blythe, Bowles, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Harris, Isler, Kafoglis, Kenton, Kidd, Kleier, Lewis, Mann, Maynard, McBee, McBride, McGill, Morgan, Nett, O'Brien, Paxton, Priddy, Quickert, Romines, Sale, Schmaedecke, Siemens, Swinford, Thomas, Watkins, Whitfield, Wible, Yates.

The Floor Amendment No. 3 to the Committee Substitute for **HB 288** was rejected.

Representative Swinford moved that **HB 288,** by way of Committee Substitute, be placed upon its passage.

On the roll call the vote was yeas 97-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Bruce, Burch Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Harris, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton,

Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible, Yates. Nays 0.

HB 288, by way of Committee Substitute, was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 288,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of all remaining bills in Orders of the Day be deferred and that they retain their position. Agreed.

Representative Swinford moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative Swinford moved that when the House adjourns today, it do so by voice vote. Agreed.

Representative Swinford moved that the rules be suspended for Introduction of Bills and Resolutions, Posting of Bills and Resolutions for Consideration, and Report of Committees. Agreed.

Introduction of Bills and Resolutions

HB 791, by Representative Nett: AN ACT relating to income taxes.

HB 792, by Representative Nett: AN ACT relating to income taxes.

HB 793, by Representatives Guenthner, Bennett, Benson, Blume, Blythe, Bruce, Burch, Chandler, Dunn, Holloway, Hughes, Karem, Kidd, Kleier, Maynard, McGill, Nett, O'Brien, Priddy, Quickert, Romines, Siemens, Yates: AN ACT relating to motor vehicle certificates of title.

HB 794, by Representative Freeman: AN ACT relating to public employes' retirement systems.

HB 795, by Representative Robinson: AN ACT relating to motor vehicle offenses.

HB 796, by Representative Dunn: AN ACT relating to public assistance.

HB 797, by Representative Lindsay: AN ACT relating to peace bonds.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Counties and Special Districts: **HB 347, HB 663.**

State Government: **HB 136, HB 602, HB 459, HB 482, HB 530.**

Judiciary: **HB 90, HB 718, HB 726, HB 374, HB 94, SB 70, SB 132, SB 151, HB 564.**

Appropriations and Revenue: **HB 127, HB 157, HB 266, HB 61, HB 568, HB 35, HB 231, HB 733, HB 734, HB 107, HB 419, HB 410, HB 630, HB 733, SB 179, SB 182, SB 206, SB 210, SB 255, HR 41.**

Business Organizations and Professions: **HB 378, HB 446, HB 599, HB 617.**

Report of Committees

The Committee on Business Organizations and Professions reported **HB 320,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Ordered delivered to

.the Committee on Rules.

The Committee on Business Organizations and Professions reported **HB 569** with the expression of opinion that the same should not pass.

The Committee on Business Organizations and Professions reported **HB 684** with Committee Amendment attached thereto, **HB 708,** and **HB 750** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Claendar.

HB 684, AN ACT relating to barbering.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 317.450 is amended to read as follows:
(1) The barber board shall issue a license to practice barbering to any person who:
(a) Is at least eighteen (18) years of age;
(b) Is of good moral character and temperate habit;
(c) Has acted as a licensed apprentice for at least *twelve (12)* [eighteen (18)] months under the immediate supervision of a licensed barber;
(d) Has satisfactorily passed the examination prescribed by the barber board;
(e) Has paid a fee of $20.00.
(2) The barber board shall issue a license to act as apprentice to a barber to any person who:
(a) Is at least sixteen and one-half (16 1/2) years of age;
(b) Is of good moral character and temperate habit;
(c) Has at least four (4) years of high school education;
(d) Has graduated from an accredited or licensed school of barbering;
(e) Has satisfactorily passed the examination prescribed by the barber board; and
(f) Has paid a fee of $20.00.
(3) The barber board shall issue a license to operate a barber shop to any barber licensed under the provisions of this chapter upon application of such barber accompanied by a fee of *$15.00 for the first chair plus $10.00 for each additional chair* [$10.00] provided that the barber board shall refuse to issue such a license upon a failure to comply with the provisions of this chapter or the rules and regulations of the board adopted pursuant thereto.
(4) The barber board shall issue a license to operate a school of barbering to any person, firm or corporation who or which:
(a) Applies therefor upon forms furnished by the board;
(b) Has the equipment and facilities which may be required by rules and regulations of the board adopted pursuant to this chapter;
(c) Furnished any evidence deemed necessary by the board in the exercise of a sound discretion that it is the purpose of the applicant to establish a bona fide school for the education and training of competent barbers and can and will employ a sufficient number of licensed teachers of barbering to conduct such school;
(d) Pays a fee of $100.
(5) The barber board shall issue a license to teach barbering to any person who:
(a) Is of good moral character and temperate habit;
(b) Has a high school education and at least two (2) years of college;
(c) Has been a licensed and practicing barber for at least thirty-six (36) months;
(d) Has satisfactorily passed the examination prescribed by the board; and
(e) Has paid a fee of $25.00.
(6) Applications for examination required in this section shall be accompanied by an examining fee as follows:
(a) Barber--$20.00;
(b) Apprentice to a barber--$20.00;
(c) Teaching barbering--$25.00.
(7) Licenses issued pursuant to this section shall expire on the first day of July next following the date of their issuance but the board shall renew any license so expiring at no increased renewal fee if the required annual renewal license fee is paid within thirty-one (31) days after the expiration of such license, provided that the applicant for a renewal is otherwise in compliance with this chapter and the rules and regulations of the board adopted pursuant thereto. Any license shall automatically be renewed by the board upon receipt of the

required annual license fee prior to the expiration date of such license, provided the applicant for renewal is in compliance with the provisions of this chapter and the rules and regulations of the board adopted pursuant thereto.

(8) The annual renewal license fee for each type of license renewal shall be as follows:

(a) Barber--$12.00;

(b) Apprentice to barber--$12.00;

(c) Teacher of barbering--$15.00;

(d) Barber shop--*$15.00 for the first chair plus $10.00 for each additional chair* [$10.00];

(e) Barber school--$75.00.

(9) Except as provided in subsection (7) of this section, the fee for the renewal of an unexpired license, where the period of expiration does not exceed five (5) years, shall be as follows:

(a) Barber--$50.00;

(b) Apprentice--$50.00;

(c) Barber shop--*$15.00 for the first chair plus $10.00 for each additional chair* [$10.00];

(d) Barber school--$75.00;

(e) Teacher of barbering--$25.00.

Section 2. KRS 317.420 is amended to read as follows:

(1) No person shall engage in the practice of "barbering" or "cosmetology" for other than cosmetic purposes nor shall any person engage in barbering or the practice of cosmetology for the treatment of physical or mental ailments, except that the provisions of this chapter shall not apply to:

(a) Persons authorized by the law of this state to practice medicine, chiropody, optometry, dentistry, chiropractic, nursing or embalming when incidental practices of barbering or cosmetology are performed by them in the normal course of the practice of their profession;

(b) Commissioned medical or surgical personnel of the United States army, navy, air force or marine hospital service performing incidental practices of barbering or cosmetology in the course of their duties.

(2) Except as provided in subsection (1) of this section no person shall engage in the practice of barbering or cosmetology for the public generally or for consideration without the appropriate license required by this chapter.

(3) No person unless duly and properly licensed pursuant to this chapter shall:

(a) Teach barbering or cosmetology;

(b) Operate a barber shop or beauty shop;

(c) Engage in a barber apprenticeship or cosmetology apprenticeship;

(d) Act as a manicurist;

(e) Conduct or operate a school for barbers or school for cosmetologists.

(4) No person shall aid or abet any person in violating the provisions of this section, nor shall any person engage or employ for consideration any person for the performance of any practice licensed by this chapter unless the person to perform such practice holds and displays the appropriate license therefor.

(5) No licensed cosmetology instructors or licensed beauticians shall hold clinics for teaching or demonstrating for personal profit, either monetary or otherwise, if the clinics are not sponsored by a recognized professional hairdresser's or cosmetologist's group.

(6) Whenever a person engages in different practices separately licensed by the provisions of this Chapter, *or Chapter 317A,* such person shall procure a separate license for each of the practices so licensed.

Amend printed copy of House Bill 684 page 1, line 6, by deleting all of line 6

and on page 1, line 7, by deleting "(c)" and inserting "(b)"

and on page 1, line 10, by deleting "(d)" and inserting "(c)"

and on page 1, line 12, by deleting "(e)" and inserting "(d)"

and on page 1, line 17, by deleting all of line 17

and on page 1, line 18, by deleting "(c)" and inserting "(b)"

and on page 1, line 20, by deleting "(d)" and inserting "(c)"

and on page 2, line 2, by deleting "(e)" and inserting "(d)"

and on page 2, line 4, by deleting "(f)" and inserting "(e)"

and on page 3, line 5, by deleting all of line 5

and on page 3, line 6, by deleting "(b)" and inserting "(a)"

and on page 3, line 8, by deleting "(c)" and inserting "(b)"

and on page 3, line 10, by deleting "(d)" and inserting "(c)"

and on page 3, line 12, by deleting "(e)" and inserting "(d)"

HB 708, AN ACT to prohibit unfair practices in franchising, leasing and business agreements.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 365 is created to read as follows:
This Act shall be known and may be cited as the "Franchise Practices Act".
Section 2. A new section of KRS Chapter 365 is created to read as follows:
As used in this Act:
(1) "Franchise" means a written arrangement for a definite or indefinite period, in which a person grants to another person a license to use the trade name, trade mark, service mark, or related characteristics, and in which there is a community of interest in the marketing of goods or services at wholesale, retail, by lease, agreement, or otherwise.
(2) "Person" means a natural person, corporation, partnership, trust, or other entity and, in case of an entity, it shall include any other entity which has a majority interest in such entity or effectively controls such other entity as well as the individual officers, directors, and other persons in active control of the activities of each such entity.
(3) "Franchisor" means a person who grants a franchise to another person.
(4) "Franchisee" means a person to whom a franchise is offered or granted.
(5) "Sale, transfer or assignment" means any disposition of a franchise or any interest therein, with or without consideration, to include but not limited to bequest, inheritance, gift, exchange, lease or license.
(6) "Place of business" means a fixed geographical location at which the franchise displays for sale and sells the franchisor's goods or offers for sale and sells the franchisor's services. Place of business shall not mean an office, a warehouse, a place of storage, a residence or a vehicle.
Section 3. A new section of KRS Chapter 365 is created to read as follows:
This Act applies only to a franchise:
(1) The performance of which contemplates or requires the franchisee to establish or maintain a place of business within the Commonwealth of Kentucky,
(2) Where gross sales of products or services between the franchisor and franchisee covered by such franchise shall have exceeded $15,000 for the 12 months next preceding the institution of suit pursuant to this Act, and
(3) Where more than 20 percent of the franchisee's gross sales are intended to be or are derived from such franchise.
Section 4. A new section of KRS Chapter 365 is created to read as follows:
A franchisor shall disclose to any prospective franchisee the following information, before any franchise agreement is concluded:
(1) The previous marketing history, if any, of the location under negotiation for and during the three year period immediately past or for the entire period which the location has been supplied by the franchisor, whichever is shorter.
(2) The name and last known address of the previous franchisee or franchisees for the last three years, or for and during the entire period which the location has been supplied by the franchisor, whichever is shorter.
(3) In the case of a new franchise, a representative sample of previous marketing histories of existing franchise operations.
(4) Any legally binding committments for the sale, demolition or other disposition of the location.
(5) The training programs, if any, and the specific goods and services the franchisor will provide for and to the franchisee.
(6) Full disclosure of any and all obligations which will be required of the franchisee.

(7) Full disclosure of all restrictions on the sale, transfer, and termination of the agreement.

Section 5. A new section of KRS Chapter 365 is created to read as follows:

It shall be a violation of this Act for any franchisor directly or indirectly through any officer, agent, or employe to terminate, cancel, or fail to renew a franchise without having first given written notice setting forth all the reasons for such termination, cancellation, or intent not to renew to the franchisee at least 90 days in advance of such termination, cancellation, or failure to renew, except:

(1) Where the alleged grounds are voluntary abandonment by the franchisee of the franchise relationship in which event the aforementioned written notice may be given 15 days in advance of such termination, cancellation, or failure to renew; and

(2) Where the alleged grounds are the conviction of the franchisee in a court of competent jurisdiction of an indictable offense directly related to the business conducted pursuant to the franchise in which event the aforementioned termination, cancellation or failure to renew may be effective immediately upon the delivery and receipt of written notice of same at any time following the aforementioned conviction. It shall be a violation of this Act for a franchisor to terminate, cancel or fail to renew a franchise without good cause. For the purposes of this Act, good cause for terminating, canceling or failing to renew a franchise shall be limited to failure by the franchisee to substantially comply with those requirements imposed upon him by the franchise.

Section 6. A new section of KRS Chapter 365 is created to read as follows:

It shall be a violation of this Act for any franchisee to transfer, assign or sell a franchise or interest therein to another person unless the franchisee shall first notify the franchisor of such intention by written notice setting forth in the notice of intent the propsective transferee's name, address, statement of financial qualification and business experience during the previous 5 years. The franchisor shall within 90 days after receipt of such notice either approve in writing to the franchisee such sale to proposed transferee or by written notice advise the franchisee of the unacceptability of the proposed transferee setting forth material reasons relating to the character, financial ability or business experience of the proposed transferee. If the franchisor does not reply within the specified 90 days, his approval is deemed granted. No such transfer, assignment or sale hereunder shall be valid unless the transferee agrees in writing to comply with all the requirements of the franchise then in effect.

Section 7. A new section of KRS Chapter 365 is created to read as follows:

It shall be a violation of this Act for any franchisor, directly or indirectly, through any officer, agent or employe, to engage in any of the following practices:

(1) To require a franchisee at time of entering into a franchisee arrangement to assent to a release, assignment, novation, waiver or estoppel which would relieve any person from liability imposed by this Act.

(2) To prohibit directly or indirectly the right of free association among franchisees for any lawful purpose.

(3) To require or prohibit any change in management of any franchisee unless such requirements or prohibition of change shall be for good cause, which cause shall be stated in writing by the franchisor.

(4) To restrict the sale of any equity or debenture issue or the transfer of any securities of a franchise or in any way prevent or attempt to prevent the transfer, sale or issuance of shares of stock or debentures to employes, personnel of the franchisor, or heir of the principal owner, as long as basic financial requirements of the franchisor are complied with, and provided any such sale, transfer or issuance does not have the effect of accomplishing a sale of the franchise.

(5) To impose unreasonable standards of performance upon a franchisee.

(6) To provide any term or condition in any lease or other agreement ancillary or collateral to a franchise, which term or condition directly or indirectly violates this Act.

(7) In making an offer to grant a franchise, to make any untrue statement of a material fact or to omit to state a material fact necessary in order to avoid misleading the offeree.

(8) To engage in any transaction, practice or course of business which operates or would operate as a fraud or deceit upon the franchisee.

(9) To require any franchisee to purchase goods or services to be used in the franchise operation where the identical goods or services can be otherwise purchased.

Section 8. A new section of KRS Chapter 365 is created to read as follows:

This Act shall not apply to a franchise granted prior to the effective date of this Act, provided, however, that a renewal of a franchise or an amendment to an existing franchise shall not be excluded from the application of this Act.

Section 9. A new section of KRS Chapter 365 is created to read as follows:

It shall be a defense for a franchisor, to any action brought under this Act by a franchisee, if it be shown that said franchisee has failed to substantially comply with requirements imposed by the franchise and other agreements ancillary or collateral thereto.

Section 10. A new section of KRS Chapter 365 is created to read as follows:

Any franchisee may bring an action against its franchisor for violation of this Act in the appropriate Circuit Court of the Commonwealth of Kentucky to recover damages sustained by reasons of any violation of this Act and, where appropriate, shall be entitled to injunctive relief. Such franchisee, if successful, shall also be entitled to the costs of the action including but not limited to reasonable attorney's fees.

Section 11. A new section of KRS Chapter 365 is created to read as follows:

No liability on the part of and no cause of action of any nature other than as provided by this Act shall arise against any franchisor, its officers, agents or employes furnishing information as to reasons for termination, cancellation, intent not to renew, failure to renew, unacceptability of a proposed transferee, or relating to the character, financial ability or business experience of a proposed transferee, or for statements made or evidence submitted at any hearing or trial conducted in connection therewith.

HB 750, AN ACT relating to the racing of standardbred horses in the Commonwealth of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 230 is created to read as follows:

(1) As used in this Act unless the context requires otherwise:

(a) "Association" includes incorporated as well as unincorporated associations.

(b) "Commission" means "Kentucky Harness Racing Commission".

(c) "Standardbred horse races" shall mean and include both trotting and pacing races.

(d) "Commissioner" means a member of the Kentucky Harness Racing Commission.

(e) "Secretary" means the Secretary of the Kentucky Harness Racing Commission.

(2) The provisions of this Act do not apply to standardbred horse races conducted by any state, county or other fair association, holding not more than one meeting annually, which meeting does not exceed six days and at which there is no pari-mutuel wagering.

Section 2. A new section of KRS Chapter 230 is created to read as follows:

(1) The Kentucky Harness Racing Commission shall be an agency independent of state administrative departments and shall be in the Public Protection and Regulation Cabinet.

(2) The commission shall consist of five persons appointed by the Governor. The members of the commission shall hold their offices for a term of four years. The members of the commission shall choose from their number a chairman and a vice-chairman.

(3) The commission shall biennially make a full report to the General Assembly of its proceedings for the two-year period ending December 1 preceding the meeting of the General Assembly, and shall embody in the report such suggestions and recommendations as it deems desirable.

(4) The commission may appoint one or more Deputy Commissioners and Assistant Deputy Commissioners who shall perform such duties as prescribed by the Commission.

(5) The presently appointed members of the Kentucky Trotting Commission shall constitute the initial members of the Kentucky Harness Racing Commission until their current terms expire in 1976 and their successors have been duly appointed and qualified.

Section 3. A new section of KRS Chapter 230 is created to read as follows:

The commission, in the interest of breeding or the improvement of the breed of standardbred horses, shall have all powers necessary and proper to carry out fully and effectually the provisions of this Act including, but without limitation, the following:

(1) The Commission is vested with jurisdiction and supervision over all standardbred horse race meetings in this Commonwealth and over all associations and all persons on association grounds and may eject or exclude therefrom or any part thereof any person, licensed or unlicensed, whose conduct or reputation is such that his presence on association grounds may, in the opinion of the commission, reflect on the honesty and integrity of standardbred horse racing or interfere with the orderly conduct of standardbred horse racing; provided, however, no persons shall be excluded or ejected from association grounds on the basis of race, color, creed, national origin, ancestry, or sex;

(2) The commission, its representatives and employes, may visit, investigate and have free access to the office, track facilities or other places of business of any licensee for the purpose of satisfying itself that the provisions of this Act and its rules and regulations are strictly complied with;

(3) The commission shall have full authority to prescribe rules, regulations and conditions under which standardbred horse racing shall be conducted in this state and to fix and regulate the minimum amount of purses, stakes or awards to be offered for the conduct of any standardbred race meeting;

(4) Any of the foregoing rules, regulations and conditions may be altered, amended, repealed and published from time to time. The commission may advertise any of its regulations either before or after filing;

(5) The commission may issue subpoenas for the attendance of witnesses before it and administer oaths to such witnesses whenever, in the judgment of the commission, it is necessary to do so for the effectual discharge of its duties. Any person failing to appear before the commission at the time and place specified in said summons, or refusing to testify, shall be deemed guilty of a misdemeanor and upon conviction by a court of competent jurisdiction shall be punished by a fine of not more than $1,000 or by imprisonment for not more than six months, or both. False swearing on the part of any witness shall be deemed perjury and punished as such.

(6) The commission shall have authority to compel any racing association licensed under this Act to file with the commission from time to time a balance sheet, showing assets and liabilities, and an earnings statement, together with a list of its stockholders or other persons holding a beneficial interest in the association, and such other financial reports or other records as may be beneficial for the commission to conduct its business.

(7) The present Rules and Regulations of the Kentucky Trotting Commission shall remain in effect as the initial rules and regulations of the Kentucky Harness Racing Commission until revoked or modified by the Kentucky Harness Racing Commission.

Section 4. A new section of KRS Chapter 230 is created to read as follows:

(1) It is the policy of the Commonwealth of Kentucky, in furtherance of its responsibility to foster and to encourage legitimate occupations and industries in the Commonwealth and to promote and to conserve the public health, safety, and welfare, and it is hereby declared the intent of the Commonwealth to foster and to encourage the standardbred horse breeding industry within the Commonwealth and to encourage the improvement of the breed of standardbred horses. Further, it is the policy and intent of the Commonwealth to foster and to encourage the business of legitimate standardbred racing with pari-mutuel wagering thereon in the Commonwealth on the highest possible plane. Further, it hereby is declared the policy and intent of the Commonwealth that all standardbred racing not licensed as provided herein is a public nuisance and may be enjoined as such. Further, it is hereby declared the policy and intent of the Commonwealth that the conduct of standardbred racing, or the participation in any way in standardbred racing, or the entrance to or presence where standardbred racing is conducted,is a privilege and not a personal right; and that this privilege may be granted or denied by the commission of its duly approved representatives acting in its behalf.

(2) It is hereby declared the purpose and intent of the Commonwealth in the interest of the public health, safety, and welfare, to vest in the commission forceful control of standardbred racing in the Commonwealth with plenary power to prescribe rules and regulations and conditions under which all legitimate standardbred racing and wagering thereon is conducted in the Commonwealth so as to encourage the improvement of the breed of standardbred horses in the Commonwealth, to regulate and maintain standardbred racing in the Commonwealth of the highest quality and free of any corrupt, incompetent, dishonest, or unprincipled standardbred racing practices, and to regulate and maintain standardbred racing in the Commonwealth so as to dissipate any cloud of association with the undesirable and maintain the appearance as well as the fact of complete honesty and integrity of standardbred racing in the Commonwealth. In addition to the general powers and duties vested in the commission, it is the intent hereby to vest in the commission the power to eject or exclude from association grounds, or any part thereof any person, licensed or unlicensed, whose conduct or reputation is such that his presence on association grounds may, in the opinion of the commission, reflect on the honesty and integrity of standardbred racing or interfere with the orderly conduct of standardbred racing. The power of the commission to penalize persons for violation of this Act or any rule or regulation of the commission shall not be limited to denial of, suspension of, revocation of, or voidance of a license to conduct or participate in standardbred racing, and ejection and exclusion of persons from association grounds but the commission may in its discretion impose fines not to exceed $5,000 against an association and $1,000 against other licensees in addition thereto.

Section 5. KRS 230.110 is amended to read as follows:

(1) The governor shall appoint a secretary of the commission, for a term of not exceeding four (4) years.

(2) The secretary shall keep a full record of the proceedings of the commission, preserve at its general office all books, maps, documents and papers entrusted to the commission, and perform such other duties as the commission prescribes.

(3) The secretary shall receive an annual salary which shall be fixed by the commission [,and which shall be paid by proportionate contributions of the several trotting associations licensed by the commission. The commission. on or before December 1 of each year, shall assess upon each trotting association its just proportion of the salary of the secretary].

(4) The Commission may employ an assistant secretary and stenographers, clerks and other personnel as it may deem necessary to efficiently operate its general office or any branch thereof.

Section 6. A new section of KRS Chapter 230 is created to read as follows:

(1) In addition to the employes referred to in Section 5 of this Act, the commission may employ, at reasonable compensation, veterinarians, inspectors, accountants, guards and other employes deemed by the

commission to be essential at or in connection with any standardbred horse race meeting and to the best interest of standardbred racing. The commission for the purpose of maintaining integrity and honesty in standardbred racing shall prescribe by rule the powers and duties of the persons employed under this section or performing duties rendering services to an association. The commission shall promulgate rules and regulations for effectively preventing the use of improper devices, the administration of drugs or stimulants or other improper acts for the purpose of affecting the speed or health of horses in races in which they are to participate, and in connection therewith the commission is authorized to acquire, operate and maintain, or to provide by contract for the maintenance and operation of, a testing laboratory and related facilities, for the purpose of saliva, urinal or other tests, and to purchase supplies and equipment for and in connection with such laboratory or testing processes. The expense of the laboratory or other testing processes, whether furnished by contract or otherwise, together with all supplies and equipment used in connection therewith, shall be paid by the various associations licensed under this Act in such manner and in such proportions as the commission may by rule provide.

(2) The compensation of the employes referred to in this section shall be paid by the licensee directly or to the commission as commission shall direct conducting the standardbred race meeting in connection with which said employes are utilized or employed. The salary of the secretary to the commission and costs of operation of the commission including but not limited to office rental, expenses, utilities, Commissioners actual expenses, etc. shall be prorated among and paid by the various associations licensed under this Act in the manner as the commission may, by rule, provide. The employes referred to in this section shall be deemed employes of the commission, and are paid by the licensee or association for convenience only.

(3) Each person, as a condition precedent to the privilege of receiving a license under this Act to conduct standardbred horse race meeting shall be deemed to have agreed that it will pay such expenses and compensation as provided in this section.

Section 7. A new section of KRS Chapter 230 is created to read as follows:

The Commission may employ, at reasonable compensation, legal counsel who shall advise the commission and represent it in all legal proceedings. If requested the Attorney General shall provide legal services to the commission.

Section 8. A new section of KRS Chapter 230 is created to read as follows:

No person, corporation or association shall hold or conduct any standardbred horse race meeting for any stake, purse, or reward within the Commonwealth of Kentucky without securing the required license from the commission, and paying to the commission the license fee which the commission may in its discretion prescribe.

Section 9. A new section of KRS Chapter 230 is created to read as follows:

(1) Any person desiring to conduct standardbred horse racing within the Commonwealth of Kentucky during any calendar year shall first apply to the commission for a license to do so. The application shall be filed at the commission's general office on or before a day fixed by the commission. The application shall specify the location of the track and the days on which racing is desired to be conducted or held and shall be in the form and contain such other information and data as the commission may, by rule, require.

(2) The commission shall as soon as practicable, but in no event later than February 1 in any calendar year award dates for racing in the Commonwealth during the year. In the event scheduled racing is cancelled by reason of flood, fire, inclement weather, or other causes the commission may award after February 1 additional racing dates to make up for those dates cancelled by such flood, fire, inclement weather, or other causes. The commission may issue such license to conduct a standardbred horse race meeting to any association making the aforesaid application if the commission finds that the proposed conduct of racing by such association would be in the best interest of the public health, safety, and welfare of the immediate community as well as to the Commonwealth, and if by reason of financial stability, track location, traffic flow, facilities for the public, facilities for racing participants and horses, character and reputation for honesty of all persons identified with the association, competence of proposed racing officials and association employes, absence of conflict with other race meetings in time and patronage area, sentiment of the community in which such association proposes to conduct a race meeting, and capability to comply with the rules and rulings of the commission, the licensing of such association would serve to nurture, promote, develop, or improve the standardbred industry in the Commonwealth. As a condition precedent to the issuance of such license, the commission may require a surety bond or other surety conditioned upon the payment of all taxes due the Commonwealth, together with the payment of operating expenses including, but not limited to, purses and awards to owners of horses participating in races.

(3) Every license issued under this section shall specify among other things the name of the person to whom issued, the address and location of the track where the standard race meeting to which it relates is to be held or conducted, and the days and hours of the day when the meeting will be permitted.

(4) A license issued under this section is neither transferable nor assignable and shall not permit the conduct of a standarbred horse race meeting at any track not specified therein. However, if the track specified becomes unsuitable for standardbred horse racing because of flood, fire or other catastrophe or other causes,

the commission may, upon application, authorize the meeting, or any remaining portion thereof, to be conducted at any other suitable track available for that purpose, provided that the owner of such track willingly consents to the use thereof.

(5) The commission may at any time require the removal of any official or employe of any association in those instances where it has reason to believe that the official or employe has been guilty of any dishonest practice in connection with standardbred horse racing or has failed to comply with any condition of his license or has violated any law or any rule or regulation of this commission.

(6) The fee for a license issued under this section shall be in such amount as prescribed by the commission.

(7) Every standardbred horse race not licensed under this section is hereby declared to be a public nuisance and the commission may obtain an injunction against the same in the circuit court of the county where the unlicensed race is proposed to take place.

Section 10. A new section of KRS Chapter 230 is created to read as follows:

Every person not required to be licensed under Section 9 of this Act who desires to participate in standardbred horse racing in the Commonwealth as a horse owner, trainer, driver, apprentice driver, agent, stable employe, racing official, association employe, mutual clerk or employe of a person or concern contracting with the association to provide a service or commodity and which requires their presence on association grounds during a race meeting, or veterinarian, farrier, horse dentist, or supplier of food, tack, medication, or horse feed, shall first apply to the commission for a license to participate in such activity on association grounds during a race meeting. No person required to be licensed by this section may participate in any activity required to be licensed on association grounds during a race meeting without a valid license therefor. The commission may issue a license if it finds that the financial responsibility, age, experience, reputation, competence, and general fitness of the applicant to perform the activity permitted by a license, are consistent with the best interests of standardbred horse racing and the maintenance of the honesty, integrity, and high quality thereof. Such license shall be issued for the calendar year in which it is issued and may be renewed by the commission. The license shall be valid at all standardbred horse race meetings in the Commonwealth during the period for which it is issued unless suspended or revoked under the rules and regulations prescribed by the commission under this Act.

Section 11. A new section of KRS Chapter 230 is created to read as follows:

All licenses granted by the commission:

(1) Shall be in writing;

(2) Shall be subject to all rules, regulations and conditions as may from time to time be prescribed by the commission;

(3) Shall contain such conditions as may be considered necessary or desirable by the commission for purposes of this Act; and

(4) Shall not extend beyond the end of the calendar year for which it was issued, but the commission may renew any license and any such renewal shall not be construed to be a waiver or condonement of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee therefor.

Section 12. A new section of KRS Chapter 230 is created to read as follows:

(1) Every license granted under this Act is subject to revocation or suspension by the commission in any case where it has reason to believe that any provision of this Act or rule, regulation or condition of the commission affecting it has not been complied with or has been broken or violated. The commission in the interest of honesty and integrity of standardbred horse racing may prescribe rules and regulations under which any license may be denied, suspended or revoked.

(2) If any license is denied, suspended or revoked the commission shall state publicly its reasons for the suspension or revocation and shall cause an entry of such reasons to be made on its record book. The action of the commission in denying, suspending or revoking any license issued by it, or the imposition of any fine or penalty, is final except that such action is subject to appeal to the Franklin Circuit Court. The action of the commission shall remain in full force and effect until reversed or modified by a valid final order of the Franklin Circuit Court.

(3) No court may enjoin any order of the commission denying, suspending or revoking any license or imposing fine or penalty, pending appeal to the Franklin Circuit Court.

Section 13. A new section of KRS Chapter 230 is created to read as follows:

(1) The commission and each party may appear in the proceedings in the circuit court on an appeal.

(2) In case of appeals, no new or additional evidence may be introduced in the circuit court except as to fraud or misconduct of some person engaged in the administration of this chapter and affecting the order; the court shall hear the case upon the certified record or abstract thereof, and shall dispose of the case in a summary manner, its review being limited to determining whether or not the commission acted without or in excess of its power, the order was procured by fraud, the order is in conformity to the provisions of this chapter, and the findings of fact in issue are supported by any substantial evidence.

(3) The commission shall as soon as practicable after being served with summons file a copy of the record, the cost of such record to be taxed as costs upon appeal. In lieu of filing such record, an abstract thereof may be filed if agreed to by all parties to the hearing.

(4) The record shall consist of the initial determination of the commission or its representative, the transcript of the hearing before the commission and the decision of the commission. No pleadings other than the record shall be required of the commission, but the commission may in its discretion file such pleadings as it may choose within the time allowed by law in similar civil actions.

(5) The court shall enter judgment confirming, modifying or setting aside the order or, in its discretion, remanding the case to the commission for proceedings in conformity with the directions of the court.

(6) Any party may appeal from the circuit court to the Court of Appeals in accordance with the Rules of Civil Procedure, and subject to the rules of that court such appeal shall be advanced on the docket.

Section 14. A new section of KRS Chapter 230 is created to read as follows:

The provisions of this Act are intended to be statewide and exclusive in their effect and no city, county or other political subdivision of state government shall have the power or authority to make or enforce any local laws, ordinances or regulations on the subject of standardbred horse race meetings. Any persons licensed under Section 9 of this Act shall continue to pay, or be responsible for the payment of, all state taxes presently imposed by law, including but without limitation, admission taxes imposed by KRS 138.480 to 138.490, and the pari-mutuel taxes imposed by KRS 138.510 (2), and all state, as well as local, ad valorem taxes; provided, however, no tax shall be imposed by the state or any subdivision thereof upon, or measured by, that portion of the excise tax imposed upon pari-mutuel betting at running and standardbred horse race tracks which is collected and retained by the operators thereof under the provisions of KRS 138.510 to 138.550, both inclusive.

Section 15. A new section of KRS Chapter 230 is enacted to read as follows:

The commission, including the tax levied in KRS 138.510, deducted from the gross amount wagered by the person, corporation or association which operates a standardbred horse track at which betting is conducted through a pari-mutuel or other similar system shall not exceed 17 percent of the gross amount handled, and the breaks, which breaks shall be made and calculated to the dime.

Section 16. A new section of KRS Chapter 230 is created to read as follows:

No licensee conducting a race or meet hereunder, no member of the commission, judge, or assistant official appointed to act as such pursuant to the provisions of this Act, shall be liable for damages to any person, association, or corporation for any cause whatsoever arising out of or from the performance by such licensee, commissioner, judge or assistant official of his duties and the exercise of his discretion with respect thereto, so long as he acted in good faith, without malice or improper motive.

Section 17. KRS 230.010, 230.100, 230.120, 230.130 and 230.140 are hereby repealed.

The Committee on Education reported **HB 197, HB 235, HB 516, HB 615** with Committee Amendment attached thereto, and **HR 67** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 197, AN ACT relating to contracts for school personnel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 161.730 is amended to read as follows:

Each board of education shall enter into written contracts, either limited or continuing, for the employment of all teachers.

(2) Each board of education may enter into written contracts for a period longer than one (1) year but not to exceed four (4) years for all assistant superintendents, directors of federally financed programs administered by the board of education, directors of pupil personnel, supervisors, counselors, social workers, principals, assistant principals, and coaches; Provided, however, that contracts for longer than one (1) year shall not be granted until two (2) years successful experience in that position has been completed in the school system granting the contract. All such personnel shall have the proper and necessary certification as determined by the Department of Education, Division of Teacher Education and Certification.

HB 235, AN ACT relating to consumer education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 158 is created to read as follows:

Instruction in all phases of consumer-business relations shall be included in the curriculum of the public schools of Kentucky; one-half unit of credit shall be required prior to graduation from any secondary school in the State.

Section 2. A new section of KRS Chapter 158 is created to read as follows:

The course of instruction noted in Section 1 of this Act shall include a review of Kentucky Consumer Protection Laws, and follow a course of instruction on individual consumer rights and responsibilities inclusive of, but not limited to, the following topics: money management; consumer credit; principles of buying; principles of family budget planning, including savings investment aspects; purchasing and maintaining family transportation; essentials of purchasing and maintaining family dwelling; principles of family insurance programs; principles of consumer-business legal relations.

HB 516, AN ACT relating to financial statements.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 424.220 is amended to read as follows:

Excepting officers of a city of the first class, a county containing such a city, a public agency of such a city or county, or a joint agency of such a city and county, or of a school district of such a city or county, and excepting officers of a city of the second class that is required by law to publish an annual audit of its financial affairs, every public officer of any school district, city, county, or subdivision or district less than a county, whose duty it is to collect, receive, have the custody, control or disbursement of public funds, and every officer of any board or commission of a city, county or district whose duty it is to collect, receive, have the custody, control or disbursement of funds collected from the public in the form of rates, charges or assessments for services or benefits, shall at the expiration of each fiscal year prepare an itemized, sworn statement of the funds collected, received, held or disbursed by him during the fiscal year just closed, unless he has complied with KRS 424.230. The statement shall show the amount of funds collected and received, from what sources received, the amount disbursed, the date of each disbursement, for what purpose expended, and to whom paid, except that only the totals of amounts paid to each individual as salary or commission and public utility bills need to be shown[.] *and except that the amount of salaries paid to all teachers shall be shown as a lump sum expenditure for the school district and not by amount paid to individual teachers; however, the local board of education must have accessible a factual list of individual salaries for public scrutiny.* The officer shall procure and include in or attach to the statement as a part thereof a certificate from the cashier or other proper officer of the banks in which the funds are or have been deposited during the past year, showing the balance, if any, of funds to the credit of the officer making the statement. The officer shall, within sixty days after the close of the fiscal year, cause the statement to be published in full in a newspaper qualified under KRS 424.120 to publish advertisements for the city, county or district, as the case may be. Promptly after the publication is made, the officer shall file a written or printed copy of the advertisement with proof of publication, in the office of the county court clerk of the county. Within thirty days after publication, the officer shall file with the Auditor of Public Accounts a copy of the newspaper containing the statement.

HB 615, AN ACT relating to sick leave for teachers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 161.155 is amended to read as follows:

(1) For the purpose of this section, "teacher" shall mean any person for whom certification is required as a basis of employment in the common schools of the state.

(2) Each district board of education shall allow to each teacher in its common school system not less than ten (10) days' sick leave during each school year, without deduction of salary. Sick leave shall be granted to a teacher if he presents a personal affidavit or a certificate of a reputable physician stating that the teacher, or a member of his immediate family was ill on the day or days absent. The ten (10) days of sick

leave herein granted may be taken by a teacher on any ten (10) days of the school year and shall be granted in addition to accumulated sick leave days that have been credited to the teacher under the provisions of subsection (3) of this section.

(3) Days of sick leave not taken by a teacher during any school year shall accumulate *without limitation* and be credited to that teacher. Accumulated sick leave may be taken in any school year [or years, except that no teacher shall be entitled to take more than sixty (60) days of accumulated sick leave unless the district board of education authorizes a greater number of days to be accumulated. Any district board of education may, in its discretion, allow teachers in its common school system sick leave in excess of the number of days prescribed in this section].

The Committee Amendment to **HB 615** is as follows:

Amend printed copy of House Bill 615 page 2, line 7, by adding "]" after the word "accumulated."

and page 2, line 10, by deleting "]" after the word "section."

HR 67, A RESOLUTION directing a study of consumer education.

WHEREAS, the citizens of the Commonwealth are confronted with an increasing rise in the cost of living; and

WHEREAS, an increase in the cost of living necessitates for many people the careful planning for and utilization of their income; and

WHEREAS, knowledge of consumer practices and consumer-business relations is essential to such income management; and

WHEREAS, the General Assembly recognizes that an informed citizenry is of extreme importance for improving the quality of life in the Commonwealth; and

WHEREAS, it is the intention of the General Assembly to provide present and future generations of Kentucky youth with the educational opportunities required in their preparation for life; and

WHEREAS, it is the intention of the General Assembly that every student shall receive instruction in consumer-business relations and related topics;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission, with the cooperation and assistance of the Department of Education, is hereby directed to conduct a study of consumer-business relations as such may be included in a course of instruction in the public secondary schools of the Commonwealth. Such study shall include, but not be limited to, the consumer education needs of the citizens of the state in the areas of money management, consumer credit, family budget practices, banking, insurance, and the purchase and maintenance of transportation vehicles and family dwellings.

Section 2. That a report of the findings of such study, along with recommendations for implementing the findings as a course of instruction in the public secondary schools, shall be made to the Joint Interim Committee on Education of the General Assembly prior to the 1976 Regular Session.

Section 3. The estimated cost of this study is $7,000.

Announcements

The following members filed Floor Amendments to bills: Donnermeyer, Amendment No. 1 to **SB 137;** Paxton, No. 3 to **HB 314;** O'Brien, Nos. 6 and 7 to **HB 487.**

Adjournment

Representative Swinford moved that the House adjourn until 2:00 P.M., Wednesday, March 6, 1974. Agreed.

WEDNESDAY, MARCH 6, 1974

FORTY-SIXTH LEGISLATIVE DAY

The House was called to order by Speaker Blume.

Prayer by Reverend J. T. Harmon, First United Methodist Church, Frankfort.

The roll was called. All present except Representatives E. Brown, Hinkle and Imes.

Representative Isler moved that absent members be granted leave of absence in accordance with the rules of the House. Agreed.

The following members filed excuses: Representatives E. Brown, Hinkle and Imes.

Representative Hughes moved that the reading of the Journal of March 5, 1974, be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HB 798, by Representatives Hislope, Holbrook, Morgan and Paxton: AN ACT relating to liens on boats.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Agriculture and Natural Resources: **HB 753, HB 755.**

Appropriations and Revenue: **HB 779, HB 783, HB 785, HB 791, HB 792, SB 219.**

Banking and Insurance: **SB 177.**

Business Organizations and Professions: **HB 757, HB 769, SB 142, SB 146, SB 262.**

Cities: **HB 749, HB 752, HB 759, HB 775, HB 781, HB 790, SB 211.**

Counties and Special Districts: **HB 756, HB 788.**

Education: **HB 751, HB 766, HB 778, HB 786.**

Elections and Constitutional Amendments: **HB 754.**

Health and Welfare: **HB 760, HB 780, HB 796.**

Highways and Traffic Safety: **HB 767, HB 793, SB 290.**

Judiciary: **HB 758, HB 762, HB 763, HB 773, HB 782, HJR 29** with Senate Amendment, **HB 789, HB 795, HB 797, SB 200.**

Labor and Industry: **HB 772, HB 774, HB 777, SB 186, SB 191.**

State Government: **HB 761, HB 764, HB 765, HB 770, HB 776, HB 784, HB 787, HB 794, SB 60, SB 78, SB 227, SB 99, SB 263.**

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Elections and Constitutional Amendments: **HB 638.**

Agriculture and Natural Resources: **HB 712, HB 668, HB 556, HB 729, HR 66, HCR 70.**

The Clerk announced the following Bills and Resolutions have been withdrawn from Committee consideration:

Agriculture and Natural Resources: **SB 36, HB 465.**

Report of Committees

The Committee on Counties and Special Districts reported **HB 291, HB 430, HB 670,** and **SB 68** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 291, AN ACT relating to sheriffs' fees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 64.090 is amended to read as follows:

Sheriffs may charge and collect for the following services the following fees:

Executing and returning process ..... *$6.00*[2.00]
Serving an order of court and return ..... *6.00*[2.00]
Summoning each witness ..... *5.00*[1.00]
Summoning an appraiser or reviewer ..... *5.00*[1.00]
Each day's attendance in the county on a jury or attending a surveyor, when ordered by a court, *per deputy or sheriff assigned* ..... *20.00*[2.00]
Taking any bond that he is authorized or required to take in any action ..... *5.00*[2.00]

Collecting money under execution or distress warrant, if the debt is paid or the property sold, or a delivery bond given and not complied with, six per cent (6%) on the first *$1,000* [three hundred dollars ($300)] and three per cent (3%) on the residue; when he levies an execution or distress warrant, and the defendant replevies the debt, or the writ is stayed by legal proceedings or by the order of the plaintiff, half of the above commissions, to be charged to the plaintiff and collected as costs in the case.

Taking a recognizance of a witness ..... *3.00*[1.00]
Levying an attachment ..... *10.00*[2.50]

When property attached is sold by an officer other than the officer levying the attachment, the court shall, in the judgment, make the officer an additional and reasonable allowance for levying the attachment, and the fee of the officer selling the property shall be lessened by that sum. Reasonable charges for removing and taking care of attached property shall be allowed by order of court.

Summoning a garnishee ..... *$5.00*[2.00]
Summoning a jury in a misdemeanor case, attending the trial, and conducting the defendant to jail, to be paid by the party convicted ..... *10.00*[7.00]

Serving process or arresting the party in misdemeanor cases, to be paid by the plaintiff ..... *15.00*[7.00]
Serving an order or process of revivor ..... *5.00*[2.00]
Executing a writ of possession against each tenant or defendant ..... *50.00*[7.00]
Executing a capias ad satisfaciendum, the same commission as collecting money on execution. If the debt is not paid, but stayed or secured, half commission.
Summoning and attending a jury in a case of forcible entry and detainer, besides fees for summoning witnesses ..... *10.00*[6.00]
Collecting militia fines and fee-bills, ten per cent (10%), to be deducted out of the fee-bill or fine.
Levying for a fee-bill ..... *5.00*[2.00]
Serving a notice ..... *5.00*[2.00]
Serving *summons,* warrants or process of arrest in bastardy cases ..... *15.00*[6.00]
Serving each order appointing surveyors of roads, to be paid out of the county levy ..... *5.00*[1.00]
Serving each summons or order of court in applications concerning roads, to be paid out of the county levy if the road is established, and in all other cases to be paid by the applicant ..... *5.00*[1.00]
Like services in cases of private passways to be paid by the applicant ..... *5.00*[1.00]
Services rendered in cases in the quarterly courts, the same fees given to constables in all cases where the amount claimed is $50 or under.
Executing each writ of habeas corpus, to be paid by the petitioner ..... *5.00*[2.00]
All services under a writ issued under KRS 381.460 to 381.570 ..... *10.00*[5.00]
Attending by himself or deputy all terms of the county courts, and quarterly courts and the allowance per day, shall be allowed by the county judge and paid out of the county levy, *per deputy or sheriff assigned* [not exceeding] ..... *20.00*[5.00]
Attending by himself or by deputy and keeping order in the circuit court, to be paid out of the state treasury, for each day, *per deputy or sheriff assigned* ..... *20.00*[7.00]
Performing the duties of jailer, the same fees and allowances that are prescribed for jailers.
For services in summoning grand and petit jurors and performing his duties under KRS 29.165, 29.175 and 29.280 the sheriff shall be allowed, for each person so summoned, and paid out of the state treasury the sum of ..... *5.00*[1.00]

HB 430, AN ACT relating to jailer's fees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 64.150 is amended to read as follows:

(1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly court per day (jailer shall be paid the fee for each day the court is in session) $6.00

Furnishing fuel and lights to county and quarterly court, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day $2.00

Putting a prisoner in irons, for an offense other than a felony or contempt besides the cost of irons $ .50

Keeping and dieting prisoners in jail when confined for an offense other than a felony or contempt of court, per day ..... *$4.25*[$3.50]

Imprisoning and releasing a prisoner charged with a misdemeanor ..... $ .75

(2) Where the prisoner is confined for a breach of the bylaws or ordinances of a city, or for a violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing shall be paid by such city.

(3) Jailers shall be paid out of the state treasury the following fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt ..... $ .75

Keeping and dieting a prisoner charged with a felony or contempt, per day ..... *$4.25*]$3.50]

Putting a prisoner charged with a felony or contempt in irons, to secure his safekeeping in the jail, besides the cost of the irons ..... $ .50

Each day's attendance upon the circuit court $6.00

Furnishing fuel, light, and water to the circuit court, not exceeding, per day $2.00

Imprisoning and releasing a prisoner for violation of his probation or parole; provided, however, the state granting probation or parole has executed a compact with the commonwealth in accordance with KRS 439.560. The fees shall be the same as those charged for felony and contempt.

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

(5) *If a court of a county sends a prisoner to a jail of another county, then the county treasurer of the county from which the prisoner was sent shall pay the treasurer of the holding county any fees to which the jailer of the holding county is entitled to by law.*

[The county treasurer of any county from which a prisoner is sent to another county to be held for a court of the former county shall pay to the treasurer of the holding county the sum of four dollars per day for each day such prisoner is held, which payment shall be in addition to any fees to which the jailer of the holding county is entitled by law.]

HB 670, AN ACT relating to fire protection districts and voluntary fire protection districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 75 is created to read as follows:

It shall be unlawful for any officer, member, or employe of a fire protection district or voluntary fire protection district to:

(1) Convert any vehicle, equipment or any other property of the district for his own personal use;

(2) Permit any person who is not an officer, member, or employe of the district to operate any fire truck, or other vehicle owned by said district except during or related to a fire or other emergency to which the district has been summoned or has responded;

(3) Use or permit the use of any vehicle, equipment, or other property of the district to be used for any commercial purpose unless such use is for the sole purpose of raising funds for the operation of the district.

Nothing in this section shall be construed as limiting the use of vehicles, equipment, or other property of the district pursuant to a mutual aid agreement or the use of such equipment by members of an organized fire department or another fire protection district or voluntary fire protection district pursuant to a mutual aid agreement.

Section 2. A new section of KRS Chapter 75 is created to read as follows:

(1) Any person who violates the provisions of Section 1 of this Act shall be fined not more than $500 or be imprisoned in the county jail for not more than 60 days, or both.

(2) The penalties provided in this section shall be construed as ancillary and supplemental to any existing penalty provided by law for similar offenses. They shall not be construed as repealing or amending any existing law.

SB 68, AN ACT relating to counties containing a population of 75,000 or more.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 64 is created to read as follows:

It is hereby declared to be the intent of the General Assembly that all fees of the office of circuit clerk, county clerk, sheriff and jailer in counties having a population of 75,000 or more that are paid into the state treasury pursuant to the provisions of Section 106 of the Constitution of Kentucky are the property of the respective county and shall be computed as part of the county's total tax effort for the purpose of determining credit for any federally funded program.

Section 2. KRS 64.350 is amended to read as follows:

(1) In Counties having a population of seventy-five thousand (75,000) or more, the salaries of the clerks of the respective Courts thereof, of Sheriffs and Jailers and of their deputies and all necessary office expenses, including the equipping, furnishing, maintaining and operation of the offices, shall be paid out of the state treasury in amounts not to exceed seventy-five per cent (75%) of the fees collected by the officers respectively, and received into the treasury; and twenty-five per cent (25%) of the fees collected by the officers respectively, and received into the state treasury shall be paid in the manner provided by law for the payment of other claims against the state to the Fiscal Courts or urban county government of the respective Counties. The amount of twenty-five per cent (25%) of the fees collected by the officers respectively during each calendar year shall be paid to the Fiscal Courts or urban county government of the respective Counties by April 1 of each year succeeding the calendar year during which the fees were received by the Department of Finance. *After payment of the salaries and expenses specified in this subsection, any remaining balance of the seventy-five percent (75%) of the fees collected by the officers respectively at the end of their official term shall be paid by the State Treasurer to the fiscal courts or urban county government of the respective counties, subject to the provisions of subsection (2) of this section.*

(2) Notwithstanding the provisions of subsection (1), all sums received into the State Treasury and representing seventy-five percent (75%) of the fees collected by the Sheriffs and Jailers specified in subsection (1) from any county in which a Metropolitan Correctional Services Department has been established shall be expended from the state treasury for the payment of the salaries and costs specified in subsection (1), and in Section 106 of the Constitution of Kentucky. After payment of the salaries and costs specified in this subsection, the remaining balance representing fees collected by sheriffs and jailers shall be paid by the state treasury to the fiscal court of the county in which a Metropolitan Correctional Services Department has been established by April 1 of each year succeeding the calendar year in which the fees were received by the Department of Finance.

Section 3. Whereas, this Act affects the financing of county government of counties containing over one million of the Commonwealth's population, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

The Committee on Public Utilities and Transportation reported **HB 438,** with Committee Amendment attached thereto, and **HB 528,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 438, AN ACT relating to power plant siting.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 278 is created to read as follows:

(1) Notwithstanding any other provision of the law to the contrary, no person, partnership, public or private corporation or combination thereof shall begin the construction of any facility to be used for the generation of electricity to or for the public for compensation without having first obtained from the Public

Service Commission a certificate of Environmental Compatibility. This requirement shall not apply to such facilities for which an application for a certificate of convenience and necessity has been filed with, or granted by, the Public Service Commission prior to the effective date of this Act.

(2) Prior to making application for such a certificate such person, partnership, public or private corporation or combination thereof shall submit to the Department for Natural Resources and Environmental Protection and any local pollution control district exercising concurrent jurisdiction with the Department a statement of Environmental Compatibility of the proposed site.

(3) The statement of Environmental Compatibility shall contain such information as the Department (and local pollution control district) considers necessary in making its report to the Commission including but not limited to the following:

(a) A complete description of the proposed project;

(b) Comments on the effects of air pollutants from the proposed facility on public health and welfare, the effects of the proposed facility on the waters of the Commonwealth, the treatment, handling and disposal of solid waste from the proposed facility, noise pollution if any, and other adverse environmental effects which cannot be avoided.

(4) The Department for Natural Resources and Environmental Protection (and any local pollution control district exercising concurrent jurisdiction with the Department) shall within 60 days after receiving the statement of Environmental Compatibility report to the Public Service Commission any recommendation on or objections to the proposed facility. The Commission upon request by the Department may extend said 60 day period for an additional 30 days.

(5) On receipt of the report from the Department for Natural Resources and Environmental Protection (and the local pollution control district) or if the period for filing said report has expired without the receipt of such report, the Commission shall conduct a public hearing on the application which shall be open to all interested persons. For the purpose of this paragraph an "interested person" shall mean any person whose living environment would be affected by the construction of the proposed facility.

(6) In granting or denying the application for a certificate of Environmental Compatibility, the Commission shall consider the community needs, the industrial development, customer requirements and the economics of the facility, all of which shall be balanced against any adverse environmental factors.

Section 2. A new section of KRS 278 is created to read as follows:

(1) When application required by KRS 278.020 is made to the Commission for a certificate that public convenience and necessity require the construction of a new electric transmission line of 400 kilovolts or more, during the thirty days immediately preceding the public hearing on such application provided for in KRS 278.020(1), the Commission shall, on at least four days, publish notice of such hearing in a newspaper or newspapers of general circulation in the counties and municipalities within which such transmission facility is proposed to be located in whole or in part. The Commission shall not issue such a certificate for a new electric transmission line of 400 kilovolts or more unless the Commission shall first determine that the proposed route of the line will reasonably minimize adverse impact on the scenic and environmental assets of the general area concerned, consistent with engineering and other technical and economic factors appropriate for consideration in determining the route of the line. At the said public hearing provided for in KRS 278.020(1), all persons residing on or owning property affected by the proposed transmission facility may be heard.

Section 3. KRS 278.020 is amended to read as follows:

(1) No person, *partnership, public or private corporation or combination thereof* shall begin the construction of any plant, equipment, property or facility for furnishing to the public any of the services enumerated in KRS 278.010, except retail electric suppliers for service connections to electric-consuming facilities located within its certified territory and ordinary extensions of existing systems in the usual course of business, until such person has obtained from the Public Service Commission a certificate that public convenience and necessity require such construction. Upon the filing of an application for such a certificate, and after a public hearing of all parties interested, the commission may issue or refuse to issue the certificate, or issue it in part and refuse it in part. Unless exercised within one year from the grant thereof, exclusive of any delay due to the order of any court or failure to obtain any necessary grant or consent, the authority conferred by the issuance of the certificate of convenience and necessity shall be void, but the beginning of any new construction or facility in good faith within the time prescribed by the commission and the prosecution thereof with reasonable diligence shall constitute an exercise of authority under the certificate.

(2) No utility shall exercise any right or privilege under any franchise or permit, after the exercise of that right or privilege has been voluntarily suspended or discontinued for more than one year, without first obtaining from the commission, in the manner provided in subsection (1) of this section, a certificate of convenience and necessity authorizing the exercise of that right or privilege.

(3) No utility shall apply for or obtain any franchise, license or permit from any city or other governmental agency until it has obtained from the commission, in the manner provided in subsection (1) of this section, a certificate of convenience and necessity showing that there is a demand and need for the service

sought to be rendered.

(4) All carriers or conveyors of electricity or electric power are declared to be common carriers and subject to the obligations incident thereto.

The Committee Amendment to **HB 438** is as follows:

Amend printed copy of House Bill 438 change from 'and' to 'or' on:

Section 1:

Page 1, line 19

Page 2, line 4

Page 2, line 17

Page 2, line 26

HB 528, AN ACT relating to the utility gross receipts license tax for schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 160.613 is amended to read as follows:

(1) There is hereby authorized a utility gross receipts license tax for schools of three per cent (3%) of the gross receipts derived from the furnishing, within the county, of telephonic and telegraphic communications services, electric power, water, and natural, artificial, and mixed gas. "Gross receipts" includes all amounts received in money, credits, property, or other money's worth in any form, as consideration for the furnishing of the above utilities, except that "gross receipts" shall not include amounts received for furnishing energy or energy-producing fuels, used in the course of manufacturing, processing, mining, or refining to the extent that the cost of the energy or energy-producing fuels used exceeds three per cent (3%) of the cost of production, and shall not include amounts received for furnishing any of the above utilities which are to be resold.

(2) In the event that any user of electrical energy purchases the electrical energy directly from any supplier who is exempt either by state or federal law from collecting the utility gross receipts license tax under the provisions of subsection (1) of this section, then the consumer, if such tax has been levied in his district, shall be responsible for paying directly to the county finance officer a utility gross receipts license tax for schools of three per cent (3%) of the gross cost of all electrical energy received in accordance with the provisions of KRS 160.615.

The Committee Amendment to **HB 528** is as follows:

Amend printed copy of House Bill 528 page 2, line 3 by deleting the word "*collecting*";

and on page 2, line 6, by deleting the word "*responsible*" and inserting in place thereof "*liable*";

and on page 2, line 6 by deleting the word "*paying*" and inserting in place thereof the words "*the tax and shall pay*";

and on page 2 by inserting at the end of the bill after line 10 the following:

"*(3) Gross cost shall be construed in such a way that the consumer shall pay taxes on the same basis as that on which a seller who comes within the provisions of subsection (1) of this section is paying.*"

The Committee on State Government reported **HB 136,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Ordered delivered to the Committee on Rules.

The Committee on State Government reported **HB 530, HB 558, HB 583, HB 651, HB 682,** and **HR 65** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed

in the Calendar.

HB 530, AN ACT relating to the powers of the Kentucky State Racing Commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 230.215 is amended to read as follows:

(1) It is the policy of the commonwealth of Kentucky, in furtherance of its responsibility to foster and to encourage legitimate occupations and industries in the commonwealth and to promote and to conserve the public health, safety, and welfare, and it is hereby declared the intent of the commonwealth to foster and to encourage the thoroughbred horse breeding industry within the commonwealth and to encourage the improvement of the breed of thoroughbred horses. Further, it is the policy and intent of the commonwealth to foster and to encourage the business of legitimate thoroughbred racing with pari-mutuel wagering thereon in the commonwealth on the highest possible plane. Further, it hereby is declared the policy and intent of the commonwealth that all thoroughbred racing not licensed under KRS 230.210 to 230.360 is a public nuisance and may be enjoined as such. Further, it is hereby declared the policy and intent of the commonwealth that the conduct of thoroughbred racing, or the participation in any way in thoroughbred racing, or the entrance to or presence where thoroughbred racing is conducted, is a privilege and not a personal right; and that this privilege may be granted or denied by the commission or its duly approved representatives acting in its behalf.

(2) It is hereby declared the purpose and intent of KRS 230.210 to 230.360 in the interest of the public health, safety, and welfare, to vest in the commission forceful control of thoroughbred racing in the commonwealth with plenary power to prescribe rules and regulations and conditions under which all legitimate thoroughbred racing and wagering thereon is conducted in the commonwealth so as to encourage the improvement of the breed of thoroughbreds in the commonwealth, to regulate and maintain thoroughbred racing in the commonwealth of the highest quality and free of any corrupt, incompetent, dishonest, or unprincipled thoroughbred racing practices, and to regulate and maintain thoroughbred racing in the commonwealth so as to dissipate any cloud of association with the undesirable and maintain the appearance as well as the fact of complete honesty and integrity of thoroughbred racing in the commonwealth. In addition to the general powers and duties vested in the commission by KRS 230.210 to 230.360, it is the intent hereby to vest in the commission the power to eject or exclude from association grounds or any part thereof any person, licensed or unlicensed, whose conduct or reputation is such that his presence on association grounds may, in the opinion of the commission, reflect on the honesty and integrity of thoroughbred racing or interfere with the orderly conduct of thoroughbred racing. [The power of the commission to penalize persons for violations of KRS 230.210 to 230.360 or any rule or regulation of the commission shall be limited to denial of, suspension of, revocation of, or voidance of a license to conduct or participate in thoroughbred racing, and ejection and exclusion of persons from association grounds.]

HB 558, AN ACT authorizing the Department for Finance and Administration to adopt regulations for the control of traffic and vehicle parking on grounds appurtenant to state-owned buildings and prescribing penalties for the violation of such regulations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 56 is created to read as follows:

Except as may otherwise be provided by law with respect to the control of real property owned by the state, used by and in the custody of any state agency or institution, the Department for Finance and Administration may adopt regulations for the control of vehicular and pedestrian traffic and parking of motor vehicles, bicycles or other vehicles, on, over and across the grounds appurtenant to any building or other facility owned by the state or any state agency. Such regulations may include provisions governing the use and operation of motor vehicles upon such state-owned property, including but not limited to, the establishment of speed limits, parking rules, and for the registration of motor vehicles for parking on real property of the state to which such regulations are applicable. Security officers employed by the department, or by any other state agency or instrumentality authorized by the department to enforce the regulations adopted by the department under this section, shall have authority to remove, or cause to be removed, at the owner's expense, any motor vehicle parked on the grounds of any state-owned building covered by such

regulations, in a manner impeding or disrupting the orderly flow of traffic on such grounds or the movement thereon of an emergency vehicle, or in violation of any traffic control or parking regulation of the department. Moving violations of any traffic control regulation adopted under this section shall be cited and may be prosecuted in the county court of the county in which such violation occurred. Speed limits and parking restrictions established by regulations adopted under this section shall be conspicuously posted on and around the grounds covered by such regulations.

Section 2. KRS 56.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 56.250 shall be fined not less than fifty (50) nor more than five hundred dollars ($500) for each offense.

(2) Any person who commits a moving traffic violation of any regulation of the Department for Finance and Administration governing the operation and use of motor vehicles on the grounds of a state-owned building, shall upon conviction be fined not less than two dollars nor more than fifteen dollars; provided, however, that if such person is found guilty of violating any provision of such regulation for which the mandatory or discretionary revocation of drivers' licenses is prescribed by KRS 186.560 and KRS 186.570, then the penalty for such violation shall be the same as that prescribed by the law applicable to such offense.

HB 583, AN ACT relating to the turnpike authority of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 175.450 is amended to read as follows:

The authority is hereby authorized and empowered:

(1) To construct, reconstruct, maintain, repair, operate, and regulate turnpike projects at such locations within the commonwealth as may be determined by the authority and the department and provided for in an agreement or agreements;

(2) To acquire sites abutting on any turnpike project, as a part of such project, and to construct or contract for the construction of buildings and appurtenances for service stations, garages, restaurants and other services and to lease the same to parties other than the department for any of such purposes (or, if leases to such parties cannot be made on acceptable terms, to operate or to lease to the department any or all of the same) in such manner and under such terms as may be provided in an agreement;

(3) *After having obtained the consent of the General Assembly by specific appropriation of the funds necessary for debt service, to* [To] issue turnpike revenue bonds of the authority payable solely from the tolls, revenues, rentals and other funds pledged for their payment, for the purpose of paying all or any part of the cost of any one or more turnpike projects, and to refund any of its bonds;

(4) To fix and revise from time to time and charge and collect tolls for transit over each turnpike project constructed by it, except to the extent that such powers are surrendered to the department pursuant to a lease;

(5) To combine for financing purposes any two (2) or more turnpike projects;

(6) To lease as lessor any turnpike project or projects to the department as lessee, pursuant to the terms and provisions of a lease;

(7) To establish and enforce rules and regulations for the use of any turnpike project, except during any period when such powers are provided to be exercised by the department pursuant to a lease;

(8) Without reference to KRS chapter 56, to acquire and hold in the name of the authority real and personal property in the exercise of its powers and the performance of its functions and duties under this chapter, and to dispose of the same, with the approval of the department;

(9) To designate the locations and establish, limit and control such points of ingress to and egress from each turnpike project as the authority and the department may determine to be necessary or desirable to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated;

(10) To make and enter into such contracts and agreements with the department and other parties as may be necessary or incidental to the performance of its duties and the execution of its powers under this chapter;

(11) To employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employes and agents as may be necessary in the judgment of the authority, and to fix their compensation;

(12) To receive and accept from the commonwealth, the department, and any federal agency, grants for or in aid of the construction of any turnpike project, and to receive and accept aid or contributions from

any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made;

(13) To expend any funds provided under the authority of this chapter in advertising the facilities and services of a turnpike project or projects to the traveling public; and

(14) To do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter.

Section 2. KRS 175.500 is amended to read as follows:

(1) The authority is hereby authorized to provide, at one (1) time or from time to time, for the issuance of its turnpike revenue bonds for the purpose of paying all or any part of the cost of any one or more turnpike projects undertaken pursuant to an agreement and lease. The principal of and the interest on such bonds shall be payable solely from the funds provided for such payment. The bonds of any issue may be in one or more series and any one or more such series may enjoy equal or subordinate status with respect to the pledge of funds from which they are payable, shall be dated, shall bear interest at such rate or rates not exceeding six and one-half per cent (6 1/2%) per annum, shall mature at such time or times not exceeding forty (40) years from their date or dates, all as may be provided by the authority, and may be made redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds. The authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places for payment of principal and interest, which may be at any bank or trust company within or without the commonwealth. The bonds shall be signed by the facsimile signature of the chairman of the authority, and the seal of the authority or a facsimile thereof shall be affixed thereto and attested by the manual signature of the secretary of the authority, and any coupons attached thereto shall bear the facsimile signature of the chairman of the authority. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this chapter shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the commonwealth. The bonds may be issued in coupon or in registered form, or both, as the authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The authority may sell such bonds in such manner, either at public or private sale, and for such price as it may determine will best effect the purposes of this chapter, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six and one-half per cent (6 1/2%) per annum computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computations the amount of any premium to be paid on redemption of any bonds prior to maturity.

(2) The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the turnpike project or projects for which such bonds shall have been issued, and shall be disbursed in such manner and under such restrictions, if any, as the authority may provide in the proceedings authorizing the issuance of such bonds or in the trust indenture securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the proceedings authorizing the issuance of such bonds or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund or funds for such bonds or any account or accounts therein as the authority shall have provided in the proceedings or trust indenture authorizing and securing such bonds.

(3) Prior to the preparation of definitive bonds, the authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be issued under the provisions of this chapter without obtaining the consent of any department, division, commission, board, bureau or agency of the commonwealth *other than the General Assembly as provided in KRS 175.450(3)*, and without any other proceedings or the happening of any other conditions or things, except as specifically required by this chapter.

HB 651, AN ACT relating to the Kentucky State Racing Commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS 230.210 to 230.360 is created to read as follows:

(1) Any hearing authorized or required by KRS 230.210 to 230.360 may be conducted by the commission, or may be conducted by a hearing officer appointed by the commission to serve in its place. Such a hearing shall be conducted in the name of the commission at any time or place designated by the chairman. The hearing officer may, in receiving evidence on behalf of the commission, make such rulings affecting the competency, relevancy, and materiality of evidence to be presented and upon motions presented during the taking of evidence as will expedite the preparation of the case. The commission may require the entire record to be certified to it for initial decision, and the hearing officer shall submit written findings of fact, conclusions of law and recommendations which shall be incorporated in and become a part of the record. In the absence of a requirement by the commission that a record be certified to it for intial decision, the hearing officer shall render a decision, and in the absence of either an appeal to the commission, or a review upon motion of the commission, the hearing officer's decision shall become the decision of the commission.

(2) A hearing officer may be a full-time employe, serve by contract, or be paid upon a per diem basis in the discretion of the commission.

HB 682, AN ACT relating to fire protection personnel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 95A.020 is amended to read as follows:

(1) There is hereby created the commission on fire protection personnel standards and education, hereinafter called "commission" *which shall be attached to the State Fire Marshal's Office in the Department of Insurance for administrative services.*

(2) The commission shall be composed of ten (10) members, residents of the state of Kentucky, appointed by the governor. Such members shall be persons well qualified by experience or education in the field of fire protection or related fields. The superintendent of public instruction and the state fire marshal shall serve as ex officio members of the commission. The volunteer fire departments shall be represented by one appointee. Such appointive members shall be appointed for a term of four (4) years, provided, however, that of the members first appointed, four (4) shall be appointed for a term of two (2) years, three (3) for a term of three (3) years, and three (3) for a term of four (4) years. Any member chosen by the governor to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member he is chosen to succeed.

(3) Members of the commission shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their functions hereunder.

Section 2. KRS 95A.040 is amended to read as follows:

(1) The commission shall have authority to make full and complete studies, recommendations and reports to the governor and the legislature for the purpose of:

(a) Suggesting minimum standards and education of fire protection personnel appointed to positions in municipal fire departments, who are to be engaged in fire protection to include fire suppression, fire prevention, arson investigation and other allied fields;

(b) Suggesting basic minimum courses of training for fire protection personnel;

(c) Suggesting procedure for the certification of fire protection personnel and the certification of fire protection instructors.

(2) The commission shall have the authority to:

(a) Certify fire protection training and education programs as having attained the minimum required standards suggested by such commission;

(b) Certify instructors as having qualified as fire protection instructors under such conditions as the commission may prescribe;

(c) Direct research in the field of fire protection and accept gifts and grants for such purposes;

(d) Recommend curricula for advanced courses and seminars in fire science training in colleges and institutions of higher education.

(3) The commission shall have authority to receive and to the extent required by federal law to disburse all grants and funds from the federal government for the purpose of fire protection personnel training and education. Except as otherwise provided by law, the Department of Insurance shall administer all state programs and all state and federally funded grant programs related to fire protection personnel training and

education.

Section 3. KRS 95A.050 is amended to read as follows:

In carrying out its duties and responsibilities the commission shall have the following additional duties:

(1) To meet at such times and places in the state of Kentucky as it deems proper; meetings shall be called by the chairman upon his own motion, or upon the written request of five (5) members;

(2) To contract with other agencies, public or private, or persons, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports as it may require to cooperate with city, county, state and federal agencies in training programs;

(3) To *recommend to the Commissioner of Insurance for promulgation* [make] reasonable rules and regulations [to carry out the duties and powers of the commission] *relating to fire protection personnel.*

HR 65, A RESOLUTION requesting the Congress of the United States to authorize and direct the establishment of a National Cemetery at Fort Knox, Kentucky.

WHEREAS, the veterans of military service to the United States have earned the respect and gratitude of the citizens of this nation; and

WHEREAS, the Nation has long provided National Cemeteries for the burial of those who have so nobly served their country; and

WHEREAS, the people of this Commonwealth in gratitude to the veterans of the armed services desire that adequate National Cemetery facilities be available within this Commonwealth for burial of its citizens who were members of this Nation's armed services;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives of the General Assembly strongly urges the Congress of the United States to authorize, and to direct the Secretary of the Army to establish a National Cemetery to be located at Fort Knox, Kentucky.

Section 2. That the Chief Clerk of the House of Representatives is hereby requested to transmit copies of this Resolution to the Secretary of the Army; and to each member of the Kentucky delegation in Congress.

Calendar

SB 45, HB 263, HB 329 with Committee Substitute and Committee Amendment attached thereto, **HB 538, HB 717, SB 73, HB 392, HB 605, HB 665, HB 671, HB 679, HB 403, HB 477, HB 527, HB 535** with Committee Substitute and Committee Amendment attached thereto, **HB 693, HB 348** with Committee Substitute attached thereto, **HB 684** with Committee Amendment attached thereto, **HB 708, HB 750, HB 197, HB 235, HB 516, HB 615** with Committee Amendment attached thereto, and **HR 67** taken from the Calendar and ordered read at length for the second time. Representative Swinford moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Senate Message

Announcing passage of **SB 108, SB 175, SB 217, SB 236, SB 260, SB 264, SB 291, HB 15** with Amendment, **HB 167, HB 173** with Amendment, **HB 309** with Amendment, **HB 390** with Amendment, and **HB 422.**

Motions, Petitions and Communications

Representative Romines moved that **HB 707** be sent to the Committee on Appropriations and Revenue. Agreed.

Representative Mann moved the adoption of the following Legislative Citation No. 111:

The House of Representatives of the Commonwealth of Kentucky hereby honors the Firefighters of Kentucky for the invaluable service they render to the citizens of the Commonwealth. This body commends

these men for their efforts in saving lives and property in high risk and dangerous circumstances. (Sponsored by Representative Mann)

Agreed.

Representative Sharpe moved the adoption of the following Legislative Citation No. 92:

The House of Representatives of the Commonwealth of Kentucky hereby honors the City of Corbin for its selection as an All-Kentucky City of 1973 by the Kentucky Chamber of Commerce. This body commends the progressive leaders and citizens of Corbin for this city's progress and development, which are reflected by this award. (Sponsored by Representatives Sharpe and J. White)

Agreed.

Orders of the Day

Representative Swinford moved that consideration of **HB 386** be deferred and that it retain its position in Orders of the Day. Agreed.

SB 87 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved that **SB 87** be placed upon its passage.

On the roll call the vote was yeas 86-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Guenthner, Hancock, Hardin, Harris, Head, Hellard, Hislope, Holbrook, Hopkins, Hughes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Lindsay, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible. Nays 0.

SB 87 was passed and the title agreed to.

Representative Bruce moved that the vote by which **SB 87** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 96,** with Committee Amendment attached thereto, be deferred and that it retain its position in Orders of the Day. Agreed.

HB 397 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Quickert moved that **HB 397** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 314, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the Committee Substitute to **HB 314.** Agreed.

Representative Paxton moved the adoption of Floor Amendment No. 1 to the Committee Substitute to **HB 314.**

Representative Paxton moved that the rules be suspended to act on the Floor Amendment No. 2 to the Committee Substitute to **HB 314.**

On the roll call the vote was yeas 53-Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Bruce, Burch, Chandler, Clarke, Crupper, DeMarcus, Denham, Dietz, Dunn, Foster, Gay, Givhan, Graves, Harris, Hellard, Hislope, Hopkins, Kafoglis, Kidd, King, Lewis, Mann, Maynard, McBee, McBride, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Swinford, Troop, Vincent, Watkins, Wells, Whitfield, Yates. Nays 14-Clapp, Dawahare, Guenthner, Hughes, Isler, Lindsay, Sharpe, Smith, Stephens, Stewart, Turner, Van Horn, J. White, Wible.

The motion that the rules be suspended for action on Floor Amendment No. 2 instead of No. 1 to the Committee Substitute to **HB 314** was adopted.

Representative Paxton moved the adoption of the following Floor Amendment No. 2 to the Committee Substitute for **HB 314:**

Amend printed copy of Committee Substitute for House Bill 314 page 1, the title, by inserting before the "." the following:

"and to require that all motor vehicles be insured to provide other security for legal liability due to bodily injury and property damage".

On the roll call the vote was yeas 57-Allen, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, Bruce, Burch, Chandler, Clarke, Crupper, Davis, DeMarcus, Denham, Dietz, Dunn, Foster, Gay, Givhan, Harris, Hellard, Hislope, Hopkins, Hurst, Kafoglis, Karem, Kidd, Lewis, Mann, May, McBee, McBride, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Romines, Sale, Schmaedecke, Schmidt, Siemens, Swinford, Thomas, Troop, Vincent, Watkins, Wells, Whitfield, Yates. Nays 16-Clapp, Dawahare, Graves, Hughes, Isler, Kleier, Lindsay, Mason, McBrayer, Morgan, Stephens, Stewart, Stone, Turner, Van Horn, Wible.

The Floor Amendment No. 2 to the Committee Substitute for **HB 314** was adopted.

Representative Paxton moved the adoption of the following Floor Amendment No. 3 to **HB 314:**

Amend printed copy of Committee Substitute for House Bill 314 pages 11 and 12, lines 18-26 and 1-8 by deleting same and inserting in lieu thereof:

"(f) Damages for noneconomic detriment if the accident causes death, significant permanent injury, serious permanent disfigurement, more than three months of total disability, or if the injured person incurs medical expenses having a reasonable value in excess of $1,250. "Reasonable value" means the average cost of specific types of services included under medical expenses, as defined by this act, in the Commonwealth of Kentucky as determined from statistical data compiled by the commissioner of insurance and published not less than once each year; and"

and on page 13, lines 7 and 19, by deleting "transportation" and inserting in lieu thereof "insurance"

and on page 16, line 15, by deleting "shall" and inserting in lieu thereof "may"

and on page 16, line 16, by deleting "(4)" and inserting in lieu thereof "(6)"

and on page 42 by striking lines 24-26

and on pages 43-45 by striking same

and on page 46, lines 1-19 by striking same and inserting in lieu thereof:

"(1) An owner or registrant of a motor vehicle with respect to which security is required by this act, who operates the motor vehicle or permits it to be operated in this Commonwealth without having in full force and effect security complying with Section 11 of this act, shall be fined not less than $50 nor more than $500;

(2) All reparation obligors shall be obligated to provide to a reparation insured or an insured person who has rejected his tort limitations as provided in Section 6 (4) a certificate or other evidence of insurance

whenever coverage required by section 11 of this act is issued or renewed upon policy anniversary date;

(3) An owner or registrant of a motor vehicle with respect to which security is required under Section 11 of this act, who fails to have such security when the motor vehicle is involved in an accident shall have all the rights and obligations of a reparation obligor, and any other reparation obligor which has paid or may become obligated to pay basic or added reparation benefits to an injured person under a basic or added reparation contract or under the terms of the assigned claims plan shall be subrogated to the rights of the injured person against such owner or registrant."

And, on page 46, line 20 by deleting "34" and inserting "33"

And, on page 47, line 10 by deleting "35" and inserting in lieu thereof "34"

And, on page 47, line 17 by deleting "fifteen percent (15%) and inserting in lieu thereof" a percentage to be determined by the commissioner of insurance after hearings";

And, on page 48, line 10 by deleting "36" and inserting in lieu thereof "35";

And, on page 49, line 5 by striking "37" and inserting in lieu thereof "36"

And on line 7 by striking "38" and inserting in lieu thereof "37".

Representative Stephens moved that Amendment No. 3 to the Committee Substitute for **HB 314** be laid on the Clerk's desk.

On the roll call the vote was yeas 45-Adams, Arnold, Benson, Brewer, R. Brown, Burch, Clapp, Davis, Dawahare, Dietz, Donnermeyer, Freeman, Gay, Graves, Guenthner, Holbrook, Holloway, Hughes, Isler, Kenton, Kidd, King, Kleier, Lindsay, Little, Mason, Maynard, McBrayer, McGill, Morgan, Roberts, Schmaedecke, Sharpe, Siemens, Stephens, Stewart, Stone, Troop, Turner, Van Horn, Watkins, J. White, Whitfield, Wible, Yates. Nays 45-Allen, Bennett, Beshear, Blandford, Blume, Blythe, Bowles, Bruce, Chandler, Clarke, Crupper, DeMarcus, Denham, Dunn, Foster, Givhan, Hancock, Hardin, Harris, Head, Hellard, Hislope, Hopkins, Hurst, Kafoglis, Karem, Lewis, Mann, May, McBee, McBride, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Sale, Schmidt, Swinford, Thomas, Vincent, Wells.

The motion that Floor Amendment No. 3 to the Committee Substitute for **HB 314** be laid on the Clerk's desk was rejected.

Representative Van Horn moved that the House recess for twenty minutes.

On the roll call the vote was yeas 32-Brewer, R. Brown, Bruce, Clapp, Crupper, Dawahare, Donnermeyer, Freeman, Gay, Hardin, Holbrook, Hughes, Isler, Kenton, Kidd, King, Kleier, Lindsay, Little, Mason, McBrayer, Morgan, Richardson, Sharpe, Siemens, Stephens, Stone, Turner, Van Horn, Wells, J. White, Yates. Nays 51-Allen, Arnold, Beshear, Blandford, Blume, Blythe, Bowles, Chandler, Clarke, Davis, DeMarcus, Denham, Dietz, Dunn, Foster, Graves, Guenthner, Hancock, Harris, Head, Hellard, Hislope, Hopkins, Kafoglis, Karem, Lewis, Mann, May, Maynard, McBee, McBride, McGill, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Romines, Sale, Schmaedecke, Schmidt, Stewart, Swinford, Thomas, Troop, Vincent, Whitfield, Wible.

The motion that the House recess was rejected.

On the roll call the vote way yeas 40-Allen, Arnold, Bennett, Beshear, Blume, Blythe, Bruce, Chandler, Clarke, DeMarcus, Denham, Dietz, Dunn, Foster, Givhan, Hancock, Head, Hellard, Hislope, Holbrook, Hopkins, Hurst, Kafoglis, Karem, Lewis, Mann, McBee, McBride, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Sale, Schmidt, Swinford, Thomas, Vincent, Whitfield. Nays 50-Adams, Blandford, Bowles, Brewer, R. Brown, Burch, Clapp, Crupper, Davis, Dawahare, Donnermeyer, Freeman, Gay, Graves, Guenthner, Hardin, Harris, Holloway, Hughes, Isler, Kenton, Kidd, King, Kleier, Lindsay, Little, Louden, Mason, May, McBrayer, McGill, Morgan, Nett, O'Brien, Rattliff, Richardson, Roberts, Schmaedecke, Sharpe, Siemens, Stephens, Stewart, Stone, Troop, Turner, Van Horn, Watkins, J. White, Wible, Yates.

The Floor Amendment No. 3 to the Committee Substitute to **HB 314** was rejected.

Representative Reynolds moved that **HB 314,** by way of Committee Substitute, be laid on the Clerk's desk.

Representative Morgan moved that the motion that **HB 314,** by way of Committee Substitute, be laid on the Clerk's desk be laid on the table.

On the roll call the vote was yeas 34-Adams, R. Brown, Burch, Clapp, Dawahare, Freeman, Gay, Graves, Guenthner, Hancock, Holbrook, Holloway, Hughes, Isler, Kidd, King, Kleier, Lindsay, Little, Mason, Maynard, McBrayer, McGill, Morgan, Richardson, Sharpe, Stephens, Stewart, Stone, Van Horn, Watkins, J. White, Wible, Yates. Nays 45-Allen, Bennett, Beshear, Blandford, Blume, Blythe, Bruce, Clarke, Crupper, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Hardin, Harris, Head, Hellard, Hislope, Hopkins, Kafoglis, Karem, Lewis, Mann, May, McBee, McBride, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Sale, Schmidt, Swinford, Troop, Turner, Vincent, Whitfield.

The motion to table the motion to lay **HB 314** on the Clerk's desk was rejected.

On the roll call the vote was yeas 63-Adams, Allen, Arnold, Bennett, Beshear, Blandford, Blume, Brewer, Chandler, Clarke, Crupper, Davis, Dawahare, Denham, Dietz, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hardin, Harris, Head, Hislope, Holbrook, Holloway, Hopkins, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Louden, Mann, May, Maynard, McBee, McBride, McGill, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Romines, Sale, Schmidt, Siemens, Stewart, Stone, Swinford, Thomas, Vincent, Watkins, Whitfield, Yates. Nays 19-Bruce, Burch, Clapp, DeMarcus, Hancock, Hellard, Hughes, Lindsay, Little, Mason, Morgan, Nett, Rattliff, Richardson, Sharpe, Stephens, Turner, Van Horn, Wible.

The motion that **HB 314,** by way of Committee Substitute, be laid on the Clerk's desk was adopted.

Representative Swinford moved that consideration of **HB 640** and **HJR 24** be deferred and that they retain their position in Orders of the Day. Agreed.

HB 493, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the Committee Amendment No. 1 to **HB 493.** Agreed.

Representative Swinford moved that **HB 493** as amended be placed upon its passage.

Representative Overstreet moved that consideration of **HB 493** as amended be deferred and that it retain its position in Orders of the Day. Agreed.

Speaker Pro Tempore presiding.

Representative Swinford moved that consideration of **HB 496** and **HB 537** be deferred and that they retain their position in Orders of the Day. Agreed.

HB 67, with Committee Substitute and Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the Committee Substitute for **HB 67.** Agreed.

Representative Swinford moved the adoption of the Committee Amendments Nos. 2 and 3 to the Committee Substitute for **HB 67.** Agreed.

Representative Blandford moved that **HB 67,** by way of Committee Substitute as amended, be placed upon its passage.

On the roll call the vote was yeas 71-Arnold, Bennett, Benson, Beshear, Blandford, Blythe, Bowles, R. Brown, Bruce, Chandler, Clapp, Clarke, Crupper, Davis, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Hancock, Hardin, Harris, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Isler, Kafoglis, Karem, Kidd, King, Kleier, Lindsay, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Siemens, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Vincent, Watkins, Wells, G. White, Whitfield, Wible. Nays 6-Adams, Dawahare, DeMarcus, Graves, Sharpe, Van Horn.

HB 67, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 67,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 341 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Beshear moved that **HB 341** be placed upon its passage.

On the roll call the vote was yeas 82-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blythe, Bowles, R. Brown, Bruce, Burch, Chandler, Clapp, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Harris, Head, Hellard, Hislope, Holbrook, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kidd, King, Kleier, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, G. White, Whitfield, Wible, Yates. Nays 1-Clarke.

HB 341 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 341** was passed by reconsidered and said motion be postponed indefinitely. Agreed.

HB 401 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Dunn moved that **HB 401** be placed upon its passage.

On the roll call the vote was yeas 55-Arnold, Bennett, Benson, Blandford, Blythe, Bowles, Bruce, Burch, Chandler, Clapp, Clarke, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Graves, Guenthner, Harris, Head, Hellard, Hislope, Hopkins, Hughes, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Mann, Maynard, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Romines, Sale, Siemens, Swinford, Thomas, Troop, Vincent, Watkins, Whitfield, Wible, Yates. Nays 23-Adams, Allen, Brewer, R. Brown, Crupper, Davis, Dawahare, Givhan, Hancock, Holbrook, Holloway, Isler, Little, Mason, May, Schmidt, Sharpe, Stephens, Stewart, Stone, Turner, Van Horn, G. White.

HB 401 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 401** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 457** and **HB 480,** with Committee Amendment attached thereto, be deferred and that they retain their position in Orders of the Day. Agreed.

The Speaker resumed the Chair.

HB 483 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members

elected.

Representative Kenton moved the adoption of the following Floor Amendment No. 1 to **HB 483:**

Amend printed copy of House Bill 483, page 11, line 21,

after "The" by inserting the following:

"*urban county government or the*"

and on page 12, line 2, after "*the*" but before "*fiscal*" by inserting the following:

"*urban county government or the*"

and on page 12, line 21, after "court" by inserting the following:

"or urban county government"

and on page 12, line 23, after "The" by inserting the following:

"urban county government"

and on page 13, line 6, after "county" by inserting the following:

"or urban county government"

and on page 13, line 15, after "county" by inserting the following:

"or urban county government"

Agreed.

Representative Schmaedecke moved that **HB 483** be recommitted to the Committee on Business Organizations and Professions.

Representative King moved that **HB 483** as amended be laid on the table.

On the roll call the vote was yeas 39-Allen, Arnold, Blandford, Bowles, R. Brown, Bruce, Clapp, Crupper, Davis, Denham, Foster, Freeman, Gay, Hardin, Head, Holbrook, Holloway, Isler, Kafoglis, King, Lindsay, Little, May, Maynard, McBee, McBrayer, McGill, O'Brien, Overstreet, Rattliff, Richardson, Schmaedecke, Stewart, Troop, Turner, Vincent, J. White, Whitfield, Wible. Nays 38-Adams, Bennett, Benson, Beshear, Blume, Blythe, Burch, Chandler, Clarke, Dawahare, Dietz, Donnermeyer, Dunn, Graves, Guenthner, Hancock, Hellard, Hopkins, Hughes, Karem, Kenton, Louden, Mann, Mason, McBride, Morgan, Paxton, Priddy, Quickert, Reynolds, Romines, Siemens, Stone, Swinford, Thomas, Van Horn, G. White, Yates.

The motion that **HB 483** be laid on the table was adopted.

Representative Swinford moved that consideration of **HB 487,** with Committee Amendment attached thereto, be deferred and that it retain its position in Orders of the Day. Agreed.

HB 490 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved that **HB 490** be placed upon its passage.

On the roll call the vote was yeas 73-Allen, Arnold, Bennett, Beshear, Blandford, Blume, Blythe, R. Brown, Burch, Chandler, Clapp, Clarke, Crupper, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Head, Hellard, Hislope, Holbrook, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kidd, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, McBee, McBrayer,

McBride, McGill, Morgan, O'Brien, Overstreet, Pearman, Priddy, Quickert, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Siemens, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, J. White, Whitfield, Wible, Yates. Nays 1-Adams.

HB 490 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 490** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 497 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved that **HB 497** be placed upon its passage.

On the roll call the vote was yeas 45-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bruce, Chandler, Clarke, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Head, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Mann, Maynard, McBride, McGill, Nett, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Romines, Schmaedecke, Schmidt, Siemens, Swinford, Thomas, Vincent, Watkins, Whitfield, Wible, Yates. Nays 40-Adams, Allen, Bowles, Brewer, R. Brown, Clapp, Crupper, Dawahare, Freeman, Gay, Givhan, Hancock, Hardin, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Lindsay, Little, Louden, Mason, May, McBee, McBrayer, Morgan, Overstreet, Pearman, Robinson, Sharpe, Stephens, Stewart, Stone, Troop, Turner, Van Horn, G. White.

HB 497 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 497** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 501 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative J. White moved that **HB 501** be placed upon its passage.

On the roll call the vote was yeas 86-Adams, Allen, Arnold, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Bruce, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Lindsay, Little, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Watkins, G. White, J. White, Whitfield, Wible, Yates. Nays 0.

HB 501 was passed and the title agreed to.

Representative Swinford moved that consideration of **HB 529, HB 560, HB 570, HB 576, HB 579** with Committee Amendment attached thereto, **HB 581** with Committee Amendment attached thereto, and **HB 595** be deferred and that they retain their position in Orders of the Day. Agreed.

HB 600 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved that **HB 600** be placed upon its passage.

Representative Holbrook moved the adoption of the following Floor Amendment No. 1 to **HB 600:**

Amend printed copy of House Bill 600 page 4, line 18 by adding after "five percent (5%)" the words:

All retirees or their eligible surviving widows who retired on or before 1970 shall receive an increase of 15% of their present pension.

Agreed.

Representative Kafoglis moved the adoption of the following Floor Amendment No. 3 to **HB 600:**

Amend printed copy of House Bill 600 page 17, line 18 by deleting the word "city" and inserting in place thereof the work "board"

and on page 17, line 25 by deleting the word "city" and inserting in place thereof the word "board"

and on page 19, line 12 by deleting the words "at the cost of the city" and inserting in place thereof the words "at its own cost".

Agreed.

Representative Morgan moved that **HB 600** as amended be placed upon its passage.

On the roll call the vote way yeas 88-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Priddy, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Watkins, Wells, G. White, Whitfield, Wible, Yates. Nays 0.

HB 600 as amended was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 600** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of all remaining bills in Orders of the Day be deferred and that they retain their position. Agreed.

Representative Swinford moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative Swinford moved that when the House adjourns, it do so by voice vote. Agreed.

Representative Swinford moved that the rules be suspended for Introduction of Bills and Resolutions and Posting of Bills and Resolution for Consideration. Agreed.

Introduction of Bills and Resolutions

HB 799, by Representative Kleier: AN ACT relating to county public service programs.

HB 800, by Representative Beshear: AN ACT relating to urban county governments.

HB 801, by Representatives Yates and Kleier: AN ACT relating to police and fireman civil service examinations in cities of the first class.

HB 802, by Representative Priddy: AN ACT relating to elevator inspections and the public safety affected thereby.

HB 803, by Representative Kenton: AN ACT relating to limitation of actions for personal injuries.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Appropriations and Revenue: **HB 92, HB 427, HB 685, HB 84, HB 85, HB 61, HB 231, HB 50, SB 59, SB 30.**

Counties and Special Districts: **HB 788.**

Highways and Traffic Safety: **HB 767.**

Labor and Industry: **HB 669, HB 724, HB 739, HB 743.**

Judiciary: **HR 29, HB 259, HB 797, HB 747, HB 361.**

State Government: **HB 574, SB 263, SB 60, SB 78, SB 99.**

Business Organizations and Professions: **HB 740, HB 757, HB 769, SB 142, SB 146, SB 262.**

Announcements

The following members filed Floor Amendments: Swinford, No. 1 to **SB 227;** Kafoglis, No. 3 to **HB 68;** Burch, No. 1 to **SB 177;** DeMarcus, No. 1 to **HB 595;** Clarke No. 1 to **HB 590;** Blume, No. 4 to **HB 640;** Karem, No. 1 to **HB 263;** McBride, No. 1 to **SB 176;** Overstreet, No. 3 to **HB 493;** Yates, No. 1 to **HB 426.**

The following Committees will meet on March 7, 1974: Committee on State Government, 1:00 P.M., Room 307; Cities, 10:30 A.M., Court Room; Elections and Constitutional Amendments, 1:00 P.M., Room 305; Business Organizations and Professions, 11:00 A.M., Room 69; Appropriations and Revenue, 12 noon, Room 307; Labor and Industry, 10:00 A.M., Room 305A.

Adjournment

Representative Beshear moved that the House adjourn until 2:00 P.M., Thursday, March 7, 1974. Agreed.

THURSDAY, MARCH 7, 1974

FORTY-SEVENTH LEGISLATIVE DAY

The House was called to order by Speaker Blume.

Prayer by Father Carl C. Schaffer, Church of the Good Shepherd, Frankfort.

The roll was called. All present except Representatives E. Brown and Hinkle.

Representative Isler moved that absent members be granted leave of absence in accordance with the rules of the House. Agreed.

The following members filed excuses: Representatives E. Brown and Hinkle.

Representative Hughes moved that the reading of the Journal of March 6, 1974, be dispensed with and the same approved. Agreed.

Representative Swinford moved that the rules be suspended for the introduction of a special guest. Agreed.

Representative Givhan introduced Miss Susan Tichenor, Kentucky's Dairy Princess.

Recess

Representative Hopkins moved that the rules be suspended. Agreed.

Representative Hopkins moved that the House recess for ten minutes for Minority Caucus in Room 307. Agreed.

At the appointed hour, the Speaker Pro Tempore assumed the Chair and called the House to order.

Introduction of Bills and Resolutions

HB 804, by Representative Romines: AN ACT relating to individual income tax.

HB 805, by Representative Clapp: AN ACT relating to prevailing wages for construction of public works.

HB 806, by Representatives Hislope, Denham, Turner and Watkins: AN ACT relating to inheritance taxes.

HB 807, by Representative Imes: AN ACT relating to motor vehicle registration fees.

HB 808, by Representative Van Horn: AN ACT relating to state holidays.

HB 809, by Representative Clarke: AN ACT relating to revenue and taxation.

HB 810, by Representative Overstreet: AN ACT relating to taxation of mineral deposits.

HR 81, by Representative Reynolds: A RESOLUTION requesting and petitioning Rogers Morton (Secretary - U.S. Department of Interior) to extend the March 30, 1974 deadline requiring all mines to use permissible equipment designated by the Coal Mine Health and Safety Act of 1969, and request the U.S. Congress to conduct an in-depth study of the gassy-nongassy status of Kentucky mines.

HR 82, by Representative Mason: A RESOLUTION commending the Special Session of the 1974 General Assembly for ratifying the proposed Equal Rights Amendment.

HJR 83, by Representative Robinson: A JOINT RESOLUTION directing the Council on Public Higher Education to study the statutes, regulations and policies of the various states with regard to admission and tuition requirements at institutions of higher education.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **SB 236, HJR 80.**

Agriculture and Natural Resources: **SB 264, HJR 77.**

Cities: **SB 260, HB 801, HB 800.**

Counties and Special Districts: **HB 799.**

Education: **HB 173** with Senate Amendment.

Health and Welfare: **HR 76.**

Highways and Traffic Safety: **SB 217, HB 390** with Senate Amendment.

Judiciary: **HCR 79, HB 803, HB 798**

Labor and Industry: **HB 802.**

State Government: **SB 108.**

Banking and Insurance: **SB 175, SB 291.**

Elections and Constitutional Amendments: **HR 78.**

Report on Enrolled Bills

The Committee on Enrollment reported **HB 167** and **HB 422** had been examined and found correctly enrolled. **HB 167** and **HB 422** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 167, and **HB 422** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Senate Message

Announcing passage of **SB 106, SB 189, SB 194, SB 197, SB 249, SB 256, SB 257, SB 267, HB 31.**

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Cities: **HB 616, HB 762, HB 763, HB 749, HB 752, HB 775, HB 781, HB 790, SB 46, SB 110, SB 211, HB 759, HB 756.**

Health and Welfare: **HB 737, HB 746, HB 760, HB 780, HB 796, HR 76.**

Report of Committees

The Committee on Rules reported the following Bills and Resolutions have been posted for passage on March 8, 1974: **HB 19** with Committee Substitute attached thereto, **HB 589, HB 590, SB 117** with Committee Amendment attached thereto, **SB 90, HB 232** with Committee Substitute attached thereto, **HB 515** with Committee Substitute attached thereto, **HB 320** with Committee Amendment attached thereto, **HB 348** with Committee Substitute attached thereto, **HB 392, HB 403, HB 477, HB 538, HB 605, HB 671, HB 679, HB 708, HB 750, SB 45.**

The Committee on Rules reported **HB 601** has been recommitted to the Committee on Appropriations and Revenue for fiscal analysis.

The Committee on Rules reported **SB 100,** with Committee Amendment attached thereto, has been recommitted to the Committee on Judiciary for form and legality.

The Committee on Rules reported **HB 473,** with Committee Amendment attached thereto, has been recommitted to the Committee on Appropriations and Revenue for fiscal analysis.

The Committee on Rules reported **HB 329,** with Committee Substitute attached thereto, has been recommitted to the Committee on Appropriations and Revenue for fiscal analysis.

Report of Committees

The Committee on Cities reported **HB 634,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 634, AN ACT relating to urban county government.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 67A is created to read as follows:
Urban county government may:
Exercise ad valorem property taxing powers pursuant to the Kentucky Constitution, Section 157, to the limits authorized therein for the class of city to which the largest city in the county belonged on the day prior to the date the urban county government became effective. The taxing powers must be exercised by the urban county government consistent with the Kentucky Constitution, Section 172A, and KRS 132.010, 132.023, 132.027 and 68.245. Provided, in no way will this act allow an urban county government to increase the taxes of any district without the urban county government having first performed its obligations to provide services for such increases.

The Committee Amendment to **HB 634** is as follows:

Amend printed copy of House Bill 634:

Section 2. A new Section of KRS Chapter 67A is created to read as follows:

(1) The Chief Executive Officer of the Urban County Government shall notify each property owner by Certified Mail, of the Urban County Government's intention to extend Urban Services which may result in a tax increase to the property owner.

(2) The notice by the Chief Executive Officer shall fix the time and place of a public hearing on the extension of Urban Services for the affected property.

(3) The notice shall be post marked no less than (10) days prior to the date of the Public Hearing and thirty (30) days prior to the Extension of Urban Services.

(4) The notice provision shall not apply to extension of Urban Services, when less than (10) contiguous individual parcels of property are to be affected by the Extension of Urban Services.

The Committee on Business Organizations and Professions reported **HB 378,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Ordered delivered to the Committee on Rules.

The Committee Amendment to **HB 378** is as follows:

Amend printed copy of House Bill 378 on page 1, line 3, following "who" by inserting "knowingly"; and on page 1, line 7, following "who" by inserting "knowingly"; and on page 1, line 9, following "distribution, or" by inserting "knowingly"; and on page 1, line 18, following "who" by inserting "knowingly"

The Committee on Elections and Constitutional Amendments reported **HB 638** and **HB 710,** with Committee Amendments attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 638, AN ACT relating to state holidays.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 2.190 is amended to read as follows:

(1) The Tuesday *next* after the first Monday in November in Presidential election years shall be a state holiday on which all state offices, all schools and all state universities and colleges shall be closed, and which shall be treated as Sunday for all purposes of banking and negotiable instruments law. Any employe who is required to work on said state holiday shall receive compensatory pay or time off.

(2) The Tuesday next after the first Monday in November in all years not covered by subsection (1) of this section shall be state holidays on which all state offices, all schools and all state universities and colleges shall be closed. Any employe who is required to work on said state holidays shall receive compensatory pay or time off.

HB 710, AN ACT relating to elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 116 is created to read as follows:

Unless the context otherwise requires, the word "voter" means any name contained in any registration list.

Section 2. A new section of KRS Chapter 116 is created to read as follows:

Every person, male or female, who is a resident of this state and has resided in the precinct in which he offers to vote thirty (30) days next preceding the day of any regular or special election, who possesses on the day of any election the qualifications set forth in Constitution Section 145, exclusive of the durational residency requirements, who is not disqualified under that section or under any other statute, and who is registered as provided in this chapter, may vote for all officers to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he is qualified to vote. A registered voter who moves less than thirty (30) days before an election and is not permitted to register at his new residence may vote at his former residence either in person or by absentee ballot.

Section 3. A new section of KRS Chapter 116 is created to read as follows:

The following rules, so far as applicable, shall be observed in determining the residence of a person offering to vote:

(1) A voter's residence shall be deemed to be at the place where his habitation is, and to which, when absent, he has the intention of returning;

(2) A voter shall not lose his residence by absence for temporary purposes merely; nor shall he obtain a residence by being in a county or precinct for such temporary purposes, without the intention of making that county or precinct his home;

(3) A voter shall lose his residence by removal to another state or county with intention to make his permanent residence there, or by removal to and residence in another state, with intention to reside there an indefinite time, or by voting there, even though he may have had the intention to return to this state at some future period;

(4) The place where the family of a married man resides shall generally be considered his residence, unless the family so resides for a temporary purpose. If his family is permanently in one (1) place, and he transacts his business in another, the former shall be his residence.

Section 4. A new section of KRS Chapter 116 is created to read as follows:

(1) Any person may register as a voter during the period registration is open if he possesses, or will possess on the day of the next regular election, the qualifications set forth in Section 2 of this Act.

(2) Except during implementation of the initial statewide registration as provided in subsection (4) of Section 2 of this Act, the county board of elections shall cause all registration to be closed the thirty (30) days prior to, and the five (5) days following, any primary or general election, and the ten (10) days prior to any

special election. No voter shall be registered or be permitted to change his registration during the period that the registration is closed; except that, registration shall be closed only in those precincts in which the election is held.

(3) In all counties the county clerk, when authorized by the county board, shall receive registration, transfers, or change of party affiliation at branch offices at any place in the county during those periods that the registration books are open. However, notice in the manner provided by KRS Chapter 424 must be given at least three (3), but not more than fourteen (14), days in advance of the time and place of any branch registration, and ten (10) days' written notice must be given to the county executive committee of each major political party in the county in which the branch registration is to be held.

(4) Any person may register to vote or may change his party affiliation in person or by mail. He may apply to the county clerk in writing on the form prescribed by the state board of elections; and upon receipt of the form, properly filled out and signed by the applicant, the clerk shall register the applicant.

Section 5. A new section of KRS Chapter 116 is created to read as follows:

(1) Before a person shall be qualified to vote in a primary election, he must possess all the qualifications required of voters in a regular election. In addition, he must be a registered member of the party in whose primary election he seeks to vote, and must have been registered as a member of that party at the time of the preceding regular election, or, in the case of new registrations not involving a change of political affiliation made after the preceding regular election, have registered and remained registered as a member of that party. No person shall be allowed to vote for any party candidates other than that of the party of which he is a registered member. The qualifications shall be determined as of the date of the primary, without regard to the qualifications or disqualifications as they may exist at the succeeding regular election, except that minors who will become eighteen (18) years of age on or before the day of the regular election shall be entitled to vote in the primary if otherwise qualified. However, any registered voter, whether registered as a member of a party or as an independent, shall be qulified to vote in primary elections for candidates listed in nonpartisan races.

(2) In order to determine a voter's qualifications in case of doubt, one (1) of the judges of election shall swear the person as to any of the qualifications, and when so sworn the clerk shall write upon the voter's registration card the words, "sworn as to qualification."

Section 6. A new section of KRS Chapter 116 is created to read as follows:

Each application for registration, change of affiliation, transfer of registration or special ballot shall be verified by a written declaration by the applicant that it is made under the penalties of perjury.

Section 7. A new section of KRS Chapter 116 is created to read as follows:

(1) At the time of registration, the applicant shall fill in the form in duplicate and sign both copies. One (1) form shall be retained by the county clerk. The other form shall be sent to the state board of elections at biweekly intervals.

(2) Within three (3) days following the closing of registration prior to an election, the clerk shall report all new registrations made since his previous report was filed.

Section 8. A new section of KRS Chapter 116 is created to read as follows:

(1) When a voter changes his place of residence from one precinct to another within the county, the clerk shall, upon application of the voter in person or by mail, transfer the voter's registration record to the proper precinct.

(2) When the boundaries of a precinct are changed by law, placing a registered voter in a new or different precinct, the clerk shall automatically transfer the voter's registration record to the proper precinct and mail the voter a notice of the change.

(3) Any voter who changes his name shall indicate the change at the precinct on election day by signing an oath, in duplicate, on forms supplied by the state board, indicating the change. The oath shall be returned by the precinct officer to the county clerk, who shall retain the original oath for his records and send the duplicate to the state board.

(4) The clerk shall notify the state board of elections by the tenth of each month of all transfers of registration made by him, during the preceding month; and the clerk shall, within three (3) days following the closing of registration prior to an election, report all changes made since the previous report was filed.

Section 9. A new section of KRS Chapter 116 is created to read as follows:

The county clerk shall permit any citizen, at all reasonable hours, to inspect or make copies of any registration record, without any fee. He shall, upon request, furnish to any person a copy of the registration records, for which he shall receive the fee provided in Section 10 of this Act.

Section 10. A new section of KRS Chapter 116 is created to read as follows:

(1) The county clerk is entitled to collect:

(a) For original registration, fifteen cents (15) for each person registered;

(b) For copying for the use of any person, five cents (5) per name;

(c) For making copies of lost, mutilated or destroyed records, ten cents (10) per name;

(d) For services with relation to the purging of registration, ten cents (10) for each name ordered off or canceled.

(2) The fees shall be paid by the county, except where the copying is done for an individual at his request.

Section 11. A new section of KRS Chapter 116 is created to read as follows:

When notice is received from the state board of elections by the county board of elections that the name of a voter has been deleted from the registration roster, the county board shall, within thirty (30) days, purge the voter from the county registration roster, unless a protest is filed by the voter. If a protest is filed, the county board shall hear it at its next regular monthly meeting. If the county board decides in favor of the protesting voter, his name shall not be purged, and the state board shall be notified of the action.

Section 12. A new section of KRS Chapter 116 is created to read as follows:

The county board of elections may, upon information known to it or furnished to it by any citizen, delete from the county register the name of any voter who is no longer properly registered and notify the voter by mail of its action. If no protest is filed by the voter within thirty (30) days, his name shall be purged. If protest is filed, the county board shall hear the matter at its next regular monthly meeting and either retain or purge the voter's name. If any name is purged, the county board shall inform the state board of its action.

Section 13. A new section of KRS Chapter 116 is created to read as follows:

Appeals from the decision of the county board of elections may be taken to the circuit court within ten (10) days following the final decision of the board.

Section 14. A new section of KRS Chapter 116 is created to read as follows:

In order to provide for a complete roster of qualified voters in the commonwealth, reregistration of all persons shall be required at or following the 1972 regular election and prior to the 1973 regular election. The fee for this registration of all voters shall be paid to the county clerk by the state in the amount of twenty-five cents (25) for each person registered.

Section 15. A new section of KRS Chapter 116 is created to read as follows:

All forms pertaining to registration and purgation shall be prescribed and furnished by the state board of elections. The registration form shall include the voter's name; date of birth; social security number, if any; address; and such other information as the state board of elections may deem necessary. All forms which require a voter's signature shall provide for verification by the signer thereof.

Section 16. A new section of KRS Chapter 116 is created to read as follows:

Any person who falsely signs and verifies any form requiring verification shall be guilty of perjury and subject to the penalties therefor.

Section 17. A new section of KRS Chapter 116 is created to read as follows:

Any person who wilfully fails to perform any of his duties as set forth in this chapter shall be fined not less than fifty dollars ($50) nor more than one hundred dollars ($100) for each offense. Each day of refusal to serve and carry out the duties as prescribed by law shall constitute a separate offense.

Section 18. A new section of KRS Chapter 117 is created to read as follows:

(1) There shall be a state board of elections which shall administer the election laws of the state and supervise registration and purgation of voters within the state. The board may adopt rules and regulations necessary to properly carry out its duties.

(2) The board shall consist of the secretary of state and two (2) members appointed by the governor no later than April 15 in the year following his inauguration for a term of four (4) years and until their successors are appointed; Provided, That the first board shall be appointed within one (1) month following June 16, 1972 and serve until successors are appointed in April, 1976. Members shall be at least twenty-five (25) years of age and qualified voters of this state. One (1) member shall be appointed from a list of five (5) names submitted by the state central executive committee of each of the two (2) political parties that polled the largest vote in the last preceding election for state officials. Vacancies shall be filled in the same manner as provided for original appointments, and the person appointed to fill the vacancy shall be of the same political party as his predecessor.

(3) The board shall meet as often as necessary to carry out its duties and shall keep a record of its acts, orders, findings and proceedings. A majority of the board shall constitute a quorum. The secretary of state shall preside at the meetings and may vote.

(4) The members of the board shall be paid a reasonable sum to be fixed by the commissioner of personnel, with the approval of the commissioner of finance, and in addition, their expenses in attending board meetings. The compensation shall be paid out of the state treasury upon requisition signed by the chairman of the board and approved by the commissioner of finance.

Section 19. A new section of KRS Chapter 117 is created to read as follows:

(1) The state board of elections shall appoint an executive director, who shall be the chief administrative officer for the board. The board may also appoint an assistant to the director, who shall be of a different political party than the director. The salaries of the director and his assistant shall be set by the board.

(2) The state board of elections shall employ, on a bipartisan basis, a staff sufficient to carry out the duties assigned to the board, including such legal counsel as is deemed necessary by the board.

(3) The state board shall:

(a) Maintain a complete roster of all qualified registered voters within the state by county and precinct;

(b) Delete the name of any voter who is deceased or who is no longer qualified to vote in the precinct where currently registered as may be provided by law, or who has failed to vote at any primary or regular election for four (4) consecutive years, and notify the local boards of election and the voter of such action and the reason therefor, by the tenth of the month following such action;

(c) Enter names on the various registration rosters as they are reported by the county boards of election;

(d) Furnish each county clerk with a master list of all registered voters in the county, together with three (3) lists of all registered voters in each precinct of the county, at least five (5) days prior to each election;

(e) Maintain all information furnished to the state board relating to the inclusion or deletion of names from the rosters for four (4) years;

(f) Furnish the state central executive committee of each political party at a reasonable cost qualifying under Section 97 of this Act monthly data of all adds, deletions and changes of registration in each precinct of each county the state central executive committee shall furnish a county listing to each of the county executive committees of each political party;

(g) Purchase, lease or contract for the use of such equipment as may be necessary to properly carry out its duties under the provisions of this Chapter and KRS Chapters 116 and 118;

(h) Secure information from any source which may assist the board in carrying out the purposes of this section;

(i) Furnish at a reasonable price any and all precinct lists to duly qualified candidates, political party committees or officials thereof, or any committee that advocates or opposes an amendment or public question. The state board of elections may also furnish the precinct lists to other persons at the board's discretion, at a reasonable cost, provided, however the board shall not furnish precinct lists to persons who intend to use such lists for commercial use.

Section 20. A new section of KRS Chapter 117 is created to read as follows:

(1) There shall be a county board of elections, which shall, at the direction and under the supervision of the State Board of Elections, administer the election laws and the registration and purgation of voters within the county.

(2) The board shall consist of the county clerk, sheriff and two members appointed by the State Board of Elections not later than May 1 following the election of persons to statewide office, for a term of four years and until their successors are appointed; provided, that the first board shall be appointed within one month following December 1, 1972, and serve until successors are appointed in April, 1976. Where from any cause the county clerk or sheriff cannot act, the two appointed members shall appoint a commissioner to serve during the period the county clerk or sheriff is ineligible. If the two appointed members cannot agree on a substitute to function in place of the clerk or sheriff who becomes disqualified, such fact shall be certified to the state board within five (5) days and the board shall immediately appoint a person to serve during the period that such officer is ineligible. Service on the board of elections shall be compatible with the holding of any other county office. The members shall be at least twenty-one years of age, qualified voters in the county from which they are appointed, and not a candidate to be voted for at the elections. One member shall be appointed from a list of five names submitted by the County Executive Committee of each of the two political parties that polled the largest number of votes in the state at the last preceding election for presidential electors. Appointees may be removed by the State Board of Elections for cause. Vacancies shall be filled in the same manner as provided for original appointments and the person appointed to fill the vacancy shall be of the same political party as his predecessor. Compensation of members shall be set by the fiscal court at not less than fifteen dollars per day for each day the board meets.

(3) A majority of the board shall constitute a quorum. The county clerk shall serve as chairman of the meetings and may vote. On case of a tie, the chairman may cast an additional vote. Records shall be kept of all proceedings, and the records shall be public and kept at the office of the county clerk.

(4) The board shall meet at least once a month and may meet more frequently if necessary. The board shall stay in session on election days to correct clerical errors and rule on questions regarding voter registration and are authorized to make to the election officers such certifications as may be necessary. On said days appeals may be made to the county judge or circuit judge, as the case may be, except that in cities of the first class all appeals shall be made to a circuit judge.

(5) In counties containing cities of the first and second class, the board shall employ, on a bipartisan basis, a staff sufficient to carry out the duties assigned to the board.

Section 21. A new section of KRS Chapter 117 is created to read as follows:

(1) The county board of elections shall, not later than September 20 each year, appoint for each precinct in the county two judges, one clerk, and one sheriff of election, who shall hold their offices for one

year and until their successors are appointed. They shall serve in all elections held in the county during the year. The county executive committees of the two political parties having representation on the State Board of Elections may, on or before September 15 each year, designate in writing to the county board of elections a list of not less than eight names for each precinct except that in any precinct where there are not as many as eight persons possessing the qualifications of an election officer belonging to the political party filing the list, a less number may be designated. If there are two or more contending executive committees of the same party in any county, the one recognized by the written certificate of the chairman of the state central committee of the party shall be the one authorized to submit the lists. If lists are submitted, one judge at each voting place shall be selected from each list, and the sheriff shall be chosen from one list and the clerk from the other. If no lists are submitted, the officers of the election shall be so selected and appointed that one of the judges at each voting place is of one political party and the other judge of a different political party, and there shall be a like difference at each voting place between the sheriff and the clerk of election. The county board of elections shall, within ten days before the next ensuing election, give each election officer written notice of his appointment. The Board may direct the sheriff of the county to serve the notice of appointment, if it deems such action is necessary.

(2) An election officer shall be a qualified voter of the precinct, and shall not be a candidate to be voted for at the election. An election officer may be removed, for cause, at any time up to five days before an election. Vacancies shall be filled in the same manner as provided for original appointments and the person appointed to fill the vacancy shall be of the same political party as his predecessor.

(3) If the county board of elections fails to appoint election officers, or if any such officer fails to attend for thirty minutes after the time for commencing the election, or refuses to act, the officer in attendance representing the political party of the absentee shall appoint a suitable person to act in his place for that election. If both representatives of the same political party are absent, qualified voters present affiliating with that party shall elect, viva voce, suitable persons to act in their places.

(4) Election officers shall be paid not less than five dollars nor more than fifteen dollars per day each for each election in which they serve, to be paid by the county. For delivering election returns, the sheriff and the judge of the opposite political party from the sheriff shall receive in addition eight cents for each mile necessarily traveled from the place of voting to and from the place of delivery, to be paid by the county.

Section 22. A new section of KRS Chapter 117 is created to read as follows:

(1) Each county shall be divided into election precincts. The county board of elections shall review precinct boundaries as often as necessary, but as changes shall be made no later than fifty-five (55) days prior to any primary or general election to comply with the provisions of this section, and shall establish the name or number and the boundaries of the precincts, except that no precinct shall contain portions of more than one legislative district within its boundaries. Each precinct shall contain, as nearly as practicable, an equal number of voters, based on the number of registered voters in the county, not to exceed seven hundred voters to a precinct. A map and listing of the exact precinct boundaries shall be filed by the county board of elections with the State Board of Elections, and any changes in boundaries hereafter made shall also be filed with the state board of elections. A copy of this map indicating all precinct boundaries within the county shall be included in the election supplies of each precinct.

(2) If the county board of elections fails to perform the duty herein required, then the State Board of Elections or any citizen and voter of the county may apply to the circuit court of the county for a summary mandatory order requiring the board to perform this duty. Appeals may be taken to the Court of Appeals by either party.

Section 23. A new section of KRS Chapter 117 is created to read as follows:

The county board of elections shall, not later than September 20 of each year, establish the voting place in each precinct. If a change becomes necessary after that date, notice of change shall be published pursuant to KRS Chapter 424. If a change becomes necessary on election day, notice shall be posted at the former voting place. The expense of renting voting places shall be paid in the same manner as other election expenses.

Section 24. A new section of KRS Chapter 117 is created to read as follows:

The fiscal court of any county shall purchase or lease, from available funds or from the proceeds of bonds which may be issued for that purpose, voting machines, including extra or reserve machines, for use in regular, special and primary elections. The fiscal court may, prior to any election, authorize the use of additional voting machines in any particular precinct.

Section 25. A new section of KRS Chapter 117 is created to read as follows:

The fiscal court of any county may select in its discretion any type and make of voting machine that complies with the specifications and requirements of this chapter. The fiscal court may employ engineers and other skilled persons to advise and aid in the selection of the machines and in determining the specifications thereof.

Section 26. A new section of KRS Chapter 117 is created to read as follows:

No make of voting machine shall be approved for use unless it is so constructed that:

(1) It will insure secrecy to the voter in the act of voting.

(2) It provides facilities that will permit votes to be cast for any candidate entitled to have his name printed upon the ballots at any regular, special or primary election, and for or against any public question entitled to be placed upon the ballots.

(3) It will, except at primary elections, permit a voter to vote for all the candidates of one (1) party or for one or more candidates of every party having candidates entitled to be voted for, or for one or more independent candidates.

(4) It will permit a voter to vote for as many persons for an office as he is lawfully entitled to vote for, and no more.

(5) It will prevent a voter from voting for the same person, or for or against the same question, more than once.

(6) It will permit a voter to vote for or against any question he may have the right to vote on, but no other.

(7) It may be adjusted for use in primary elections so that a voter may not vote for any person except those seeking nomination as candidates of his party.

(8) It will correctly register and accurately count all votes cast for each person, and for or against each public question.

(9) It can be determined whether the machine has been unlocked and operated after once being locked.

(10) It will show at all times during an election how many persons have voted by a device hereinafter referred to as a public counter.

(11) The counter indicating the number of votes cast for each person and for or against each public question cannot be seen or tampered with without unlocking a covering device that cannot be unlocked by a key that unlocks any other part of the machine. When such counters are so exposed the machine can no longer be placed into condition for operation without the use of a special key, which key shall not have been in the possession of the election officers at the polling places; but if this requirement has the effect of eliminating from consideration any other make of machine such requirement shall not apply.

(12) The operating device and operating mechanism may be locked before the time for opening the polls and after the time for closing the polls.

(13) It is accompanied by a mechanical model illustrating the manner of voting on the machine, suitable for the instruction of voters.

(14) It will permit a voter to vote for all the candidates for presidential electors of any party by one (1) operation.

(15) It will permit a voter to vote, in any regular or special election, for any person desired to be voted for whose name does not appear upon the voting machine.

(16) It bears a number that will distinguish it from any other machine.

(17) The frames in which ballot labels are placed shall be constructed with transparent protective devices, in order that the names thereon cannot be mutilated or altered.

Section 27. A new section of KRS Chapter 117 is created to read as follows:

When voting machines are acquired by any county, they shall be immediately placed in the custody of the county clerk, and shall remain in his custody at all times except when in use at an election or when in the custody of a court or court officer during contest proceedings. The clerk shall see that the machines are properly protected and preserved from damage or unnecessary deterioration, and shall not permit any unauthorized person to tamper with the machines.

Section 28. A new section of KRS Chapter 117 is created to read as follows:

(1) At least two days before any special election and at least fifteen days before any primary or regular election, the county clerk of each county shall cause to be printed and ready for use ballot labels for each candidate who, and each question which, is entitled to be voted upon in such election. The ballot labels shall be printed on clear white paper or other material which shall be furnished by the printer. They shall be printed in black ink, in plain, clear type clearly legible to a person with normal vision, and shall be of such size as will fit the ballot frames. The labels shall include the necessary party designations.

(2) Each county clerk shall have printed a sufficient number of special paper ballots. The special ballot shall be used for voting by absent voters; by voters so disabled by age, infirmity or illness as to be unable to appear at the polls; and for voting in an emergency situation. The ballot stubs shall be consecutively numbered and the county board shall keep a record, by number, of all special ballots used for any of the purposes listed herein.

(3) At least three days before a special or regular election the county clerk shall equip the voting machines with the necessary supplies for the purpose of write-in votes. The county clerk shall also attach a pencil or pen to the voting machine for write-in purposes.

(4) If the court finds the candidate is not a bona fide candidate it must so order, and certify the fact to the board of elections, and the candidate's name shall be stricken from the written designation of election

officers filed with the board of elections or the court may refuse recognition or relief in a mandatory or injunctive way. The order of the circuit court shall be entered on the order book of the court and shall be subject to a motion to set aside in the Court of Appeals. The motion shall be heard by the Court of Appeals or a judge thereof in the manner provided for dissolving or granting injunctions, except that the motion must be made before the court or judge within five (5) days after the entry of the order in the circuit court, and may be heard and tried upon the original papers, and the order of the Court of Appeals or judge thereof shall be final.

(5) No person shall approach the circuit judge for the purpose or view of influencing his decision on the motion pending before him or to be tried by him.

Section 29. A new section of KRS Chapter 117 is created to read as follows:

Upon receiving the printed ballot labels, the county clerk shall place them in the ballot frames upon the machines, in such a manner as will most nearly conform to the plan of arrangement prescribed by the State Board of Elections in the manner prescribed in Section 111 of this Act. He shall then see that the counters referred to in subsections (10) and (11) of Section 26 of this Act are set at zero, and shall lock the operating device and mechanism and the devices protecting the counters and ballot labels. He shall then enter in an appropriate book, opposite the number of each precinct the distinguishing number of the machine to be used in that precinct.

Section 30. A new section of KRS Chapter 117 is created to read as follows:

(1) Upon completing the preparation of the machines in accordance with the provisions of Section 29 of this Act, and not later than three days before the day of the election, the county clerk shall notify the members of the county board of elections that the machines are ready for use. The board shall thereupon convene at the office of the county clerk, not later than two days before the day of the election, and examine the machines to determine whether the requirements of Section 29 of this Act have been met. Written notice at least twenty-four hours in advance shall be given by the board to all candidates and political parties of the time when the machines are to be examined. If found in proper order, the members of the county board of elections shall endorse their approval in the book in which the county clerk has entered the numbers of the machines opposite the numbers of the precincts. The clerk shall then deliver all of the keys to the machines to the county board of elections who shall give a receipt for the keys which shall contain identification of such keys. Not later than one hour before the time set for the opening of the polls, the board shall deliver all election supplies including the precinct list, tabulation sheets and the key to the device covering the registering counters and such other keys as may be necessary for the operation of the machine in registering votes, to the election officers of the precinct in which the machine is being used, who shall give the board receipt therefor containing identification of such keys. The master key and all other keys shall remain in the possession of the county board of elections.

(2) Where a vacancy in a candidacy occasioned by the death, removal or resignation of a candidate before the election and after the ballot labels have been prepared is filled by the chairman of the state, district or county political organization as provided by law, the chairman shall furnish to the county clerk a sufficient number of printed ballot labels bearing the name of the new candidate to replace those bearing the name of the candidate with respect to which the vacancy has occurred. If such ballot labels are furnished to the clerk before the machines are delivered to the election precincts, the clerk shall cause them to be inserted in the proper ballot frames. If they are furnished after the machines have been delivered to the election precincts, the county clerk shall cause the ballot labels to be delivered to the clerk of each precinct, with directions as to insertion in the proper ballot frames.

(3) Any candidate, and one representative of each political party having candidates, to be voted for at the election, may be present when the examination of the machines is made by the county board of elections.

Section 31. A new section of KRS Chapter 117 is created to read as follows:

The county clerk shall, with the county attorney prepare a sufficient number of instruction cards containing a diagram showing the front of the voting machine as it will appear on the day of the election, instructions as to the proper method of voting by the use of the machine and instructions as to the proper method of casting a write-in vote. The cards shall be examined and approved by the county board of elections at the time the machines are examined and approved. The cards shall be delivered to each election clerk by the county clerk at the time that other election supplies are delivered and the election clerk shall post the card at the polling place.

Section 32. A new section of KRS Chapter 117 is created to read as follows:

(1) Not less than five days before the day of any election, the county board of elections shall call together the officers of election of each precinct and instruct them in the use of the voting machines. No election officer, upon being notified to appear for instruction, shall fail without just cause so to do. If any officer does so fail to appear, the board may appoint and instruct some other qualified person, from the same list from which the defaulting officer was appointed, to act in place of the defaulting officer.

(2) Compensation may be paid by the county to the election officers for attending the instruction session.

Section 33. A new section of KRS Chapter 117 is created to read as follows:

At least one hour prior to the opening of the polls, the county clerk shall deliver each machine, with the operating device and mechanism and the device covering the registering counters securely locked, to the clerk of the precinct in which it is to be used, and shall take a receipt therefor indicating the distinguishing number of the machine. The clerk of the precinct shall cause the machine to be arranged in the voting place in such a manner that the front of the machine, on which appear the ballot labels and the operating devices, will not be visible, when being operated, to any person other than the voter.

Section 34. A new section of KRS Chapter 117 is created to read as follows:

Before permitting any person to vote on the day of the election, the election officers shall examine the machine to ascertain whether it has been operated since the counters referred to in subsection (10) and (11) of Section 26 of this Act were set at zero, and to ascertain whether the ballot labels are arranged as specified on the printed instruction cards. If the machine indicates that it has been operated or if the ballot labels are not so arranged, the officers shall not unlock the operating device or mechanism, but shall immediately secure the attendance of one or all of the members of the county board of elections, who shall reset said counters at zero and then relock the device covering the counters, or properly arrange the ballot labels, as the case may be, in the presence of the election officers. If the attendance of such members of the board of elections cannot be obtained before the opening of the polls or within one hour thereafter, the election officers shall notify the county clerk of the foregoing facts and obtain from the county clerk a reserve voting machine, and thereafter proceed to conduct the election. Any reserve machine so used shall be prepared for use at the election by the county board of elections and the election officers in such precinct in the same manner as the original machine was prepared for the election by the county clerk. The machine found to have been so operated shall be returned immediately to the custody of the county clerk whose duty it shall be to promptly repair same in order that it may be used as a reserve machine in the election if needed.

Section 35. A new section of KRS Chapter 117 is created to read as follows:

(1) If, during the conduct of an election, a machine becomes in a state of disrepair so that it cannot be operated in a manner that will comply with the provisions of this chapter, the election officers shall lock or seal the machine in such a manner as to prevent further voting thereon and record the numbers shown by the public counter. Then the election officers shall secure from the county clerk a reserve voting machine, which shall be prepared and made ready for use as provided in Section 34 of this Act, and thereupon proceed to conduct the election. When the polls are closed both the original and reserve voting machines shall be examined and the votes thereon registered shall be counted as provided in Section 41 of this Act and the aggregate number of votes cast on both machines for each candidate and on each question shall be certified as the result of the election in that precinct.

(2) If an emergency should arise, the county clerk shall provide special ballots for use at the precinct and a ballot box in which to deposit the voted ballots. The ballot box shall be locked with two locks and the judges of the precinct shall each hold the key to one lock. At the close of voting, the ballots shall be counted and added to the votes cast by machine. The aggregate of these votes shall be certified as the result of the election in that precinct.

Section 36. A new section of KRS Chapter 117 is created to read as follows:

Any person desiring to vote on election day shall give his name and address to the clerk of the election. If the person's name is listed on the precinct list furnished by the State Board of Elections as provided in Section 34 of this Act, and if no challenge is made, he shall sign his name on the precinct list in the space opposite his printed name. The voter's signature shall constitute his verification that he is a properly registered and qualified voter. The voter shall then retire alone to cast his vote on the voting machine. There shall be provided by the County Board of Elections to each precinct the original registration form of each voter entitled to vote in that precinct. This form shall be for comparative signature purposes.

Section 37. A new section of KRS Chapter 117 is created to read as follows:

(1) No person, other than the election officers and challengers, shall be permitted within the voting room while the vote is being polled, except for the purpose of voting or except by authority of the election officers to keep order and enforce the law. No person, other than the election officers and challengers, shall remain in the polls where the voting machine is and the election is being conducted, except when voting.

(2) No officer of election shall do any electioneering on election day.

(3) No person shall do any electioneering on election day within any polling place.

(4) No voter shall be permitted to converse with others while in the voting room concerning their support or nonsupport of any candidate, party or issue to be voted on, except as provided in Section 39 of this Act.

Section 38. A new section of KRS Chapter 117 is created to read as follows:

(1) The fact that a person is registered constitutes only prima facie evidence of his right to vote and does not prevent the officers of any election from refusing to allow him to vote for cause.

(2) When the officers of an election disagree as to the qualifications of a voter or if his right to vote is disputed by a challenger, the voter shall sign a written oath as to his qualifications before he is permitted to

vote. The oath shall be in such form as prescribed by the State Board of Elections and twenty printed copies shall be included in the election supplies of each precinct.

(3) The subscribed oaths shall be returned to the county clerk who shall deliver them to the grand jury on the first day of the next term of circuit court.

(4) The Commonwealth's attorney and county attorney shall investigate each of the oaths and cause to be summoned before the grand jury the witnesses they or either of them, deem proper, and the grand jury shall make a thorough investigation of all votes so cast, and return indictments against all persons illegally voting. The foreman of the grand jury shall return to the county clerk all of the oaths upon which no indictments are found. The clerk shall safely keep them as a part of the records of his office, and shall produce any or all of them, when required, to any subsequent grand jury.

Section 39. A new section of KRS Chapter 117 is created to read as follows:

(1) The voter shall be instructed by the officers of election, with the aid of the instruction cards and the mechanical model, in the use of the machine, if the voter so requests.

(2) No voter shall be permitted to receive any assistance in voting at the polls unless he makes and signs an oath that, by reason of inability to read English, or by reason of blindness or other physical disability he is unable to vote without assistance. Upon making and filing with the judges such oath, the voter shall retire to the voting machine, with the judges, and one of the judges shall then, in the presence of the other and the voter, operate the machine as the voter directs. The disabled person applying to vote may, if he prefers, be assisted by a person of his own choice who is not an election officer. The clerk shall swear the person accompanying the disabled or blind voter to operate the voting machine in accordance with the directions of the disabled or blind voter, and the disabled or blind voter and the person sworn shall then enter the voting booth and the one so sworn shall operate the machine for the disabled or blind voter as he directs. No voter shall be assisted under this subsection unless the judges and the sheriff of election are satisfied of the truth of the facts stated in the oath. The voter shall state in his oath the specific physical disability that requires him to receive assistance, and the judges of election shall enter in writing, on a record of assisted voters, the voter's name and the specific physical disability which required him to receive assistance.

(3) No voter shall be permitted to occupy the voting machine more than two minutes if other voters are waiting to use it.

(4) In primary elections, before a voter is permitted to use the voting machine, a judge of the election shall adjust the machine so that the voter will only be able to vote for the persons for whom the voter is qualified to vote.

(5) If the machine is so constructed as to require adjustment after one person has voted before another person may vote, the judges of election shall so adjust it after each person has voted.

(6) The election officers shall constantly maintain a watch in order to prevent any person from voting more than once.

(7) In elections for president and vice president, if a voter is eligible to vote only for the office of president and vice president a judge of the election shall adjust the machine so that the voter will only be able to vote for president and vice president.

Section 40. A new section of KRS Chapter 117 is created to read as follows:

(1) A voter may, at any general or special election, cast a write-in vote for any person whose name does not appear upon the ballot label as a candidate, by writing the name of his choice upon the appropriate device for the office being voted on provided on the voting machine as required by Section 26 of this Act.

(2) Two election officers of opposing parties shall upon the request of any voter instruct such voter on how to cast a write-in vote.

Section 41. A new section of KRS Chapter 117 is created to read as follows:

(1) At the count of the votes in any such precinct, any candidate and any representatives to witness and check the count of the votes therein, who are hereby authorized to be appointed as is provided in subsection (6) of this section, shall be admitted and be permitted to be present and witness the count.

(2) As soon as the polls are closed, and the last voter has voted, the judges shall immediately lock and seal the operating lever or mechanism of the machine so that the voting and counting mechanism will be prevented from operation, and they shall then sign a certificate stating: (a) that the machine has been locked against voting and sealed; (b) the number of voters, as shown on the public counters; (c) the number registered on the protective or accumulative counter or device, if any; and (d) the number or other designation of the voting machine, which certificate shall be returned by the judges of election to the officials authorized by law to receive the same. The judges shall then compare the number of voters, as shown by the counter of the machine, with the number of those who have voted as shown by the protective or accumulative counter or device.

(3) The judges, in the presence of the representatives mentioned in subsection (1), if any, and of all other persons who may be lawfully within the polling place, shall then make visible the registering counters, and, for that purpose, shall unlock and open the doors, or other covering concealing the same, giving full view of all the counter numbers. The judges shall, under the scrutiny of such representatives, and in the order of

the offices as their titles are arranged on the machine, read and announce, in distinct tones, the results as shown by the counter numbers for each candidate and for and against each question voted on. The counters shall not be read consecutively along the party rows or columns, but shall always be read along the office columns or rows, completing the canvass for each office or question before proceeding to the next. The vote as registered shall be entered by the judges, in ink, on quadruplicate return sheets, and also on a general return sheet and statement, all of which, after the canvass is completed, shall be signed by the judges. The total vote cast for each candidate, and for and against each question, and the votes written in, shall then be entered on the general and quadruplicate return sheets and statement. There shall also be entered on the general return sheet and statement the number of voters who have voted, as shown by the lists of voters, and the number who have voted on each machine, as shown by the public counters, and also the number registered on the protective or accumulative counter or device on each machine immediately after the closing thereof and sealing of the machine. The number or other designation of each machine used shall also be entered thereon. In the case of primary elections, quadruplicate return sheets shall remain exposed to view until the said returns and all other reports have been fully completed.

(4) The proclamation of the result of the votes cast shall be announced distinctly and audibly by one of the judges of election, who shall read the name of the vote cast for each candidate and the vote for and against each question submitted. During such proclamation ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine, and any necessary corrections shall then and there be made by the judges, after which the doors or other cover of the voting machine shall be closed and locked and the return sheet shall be signed by each of the judges of election. If any judge shall decline to sign such return, he shall state his reason therefor in writing, and a copy thereof, signed by him, shall be enclosed with such return. Each of the return sheets shall be enclosed in an envelope, which shall be securely sealed, and each of the judges shall write his name across the fold of the envelope. One of the quadruplicate return sheets, along with the general return sheet and precinct list, shall be directed to the county board of elections of the county in which the election is being held, one to the county clerk of the county in which the election is being held and one to the local governing body of each of the two dominant political parties. Said envelope shall have endorsed thereon a certificate of the election officers, stating the number of the machine, the precinct where it has been used, the number on the seal, and the number on the protective or accumulative counter or device at the close of the polls. Following the tabulation of all votes cast in the election, including absentee votes, the county board shall immediately mail the tabulation result, the general return sheets and the precinct lists from each precinct to the State Board of Elections.

(5) As soon as possible after the completion of the count, the election officers shall return to the county board of elections the keys to the voting machine received and receipted for by them, and the clerk of the county court in which the precinct is located shall have the voting machine properly boxed or securely covered and removed to a proper and secure place of storage.

(6) In primary elections, each candidate or group of candidates may designate to the county board of elections a representative to witness and check the vote count. In regular elections, the governing authority of each political party, each candidate for member of board of education, independent candidate or independent ticket may designate a representative to the county board of elections to witness and check the vote count.

Section 42. A new section of KRS Chapter 117 is created to read as follows:

The general return sheet, triplicate return sheets, and statement, shall be printed to conform with the make of voting machine used. The designating number and letter, if any, on the counter for each candidate shall be printed thereon opposite the candidate's name. Immediately after the vote has been ascertained, the statement thereof shall be posted on the door of the polling place. Thereupon, each of the judges shall take into his possession two (2) of the above-mentioned return sheets, sealed up in its envelope as aforesaid, and shall forthwith deliver the said return sheets to the respective officers and persons to whom they are addressed, as aforesaid, and shall take receipts therefor. The judges representing each of the two (2) dominant political parties shall take the envelope addressed to the local governing authority of the party with which said respective judges are affiliated, also, one (1) of the judges shall take and deliver the envelope addressed to the board and the other judge shall take and deliver the envelope addressed to the county clerk.

Section 43. A new section of KRS Chapter 117 is created to read as follows:

(1) For a period of fifteen (15) days following any primary election, and for a period of thirty (30) days following any general or special election, the voting machine shall remain locked against voting, except that it may be opened and all the data and figures therein examined, upon the order of any court of competent jurisdiction, or judge thereof, or by direction of any legislative committee authorized and empowered to investigate and report upon contested elections affected by the use of such machine, and such data and such figures shall be examined by such court, judge or committee in the presence of the officer having the custody of such machine. In the event of a contest of election the court in which such contest is pending or the committee before which said contest is being heard may upon motion of any party to said contest issue an order requiring that said voting machines shall remain continuously locked for such further time as may be reasonable or necessary, with due regard for the preparation of said machines for a succeeding primary,

general or special election, but in no event shall such order compel that said machines remain locked to a time within thirty (30) days next preceding any such approaching primary, general or special election.

(2) During the period when such machine is required to be kept locked the keys thereto shall remain in the possession of the county board of election commissioners. After such period it shall be the duty of the county board of election commissioners to return such keys to the custody of the county clerk.

Section 44. A new section of KRS Chapter 117 is created to read as follows:

The canvass and returns provided for in Section 41 of this Act shall constitute the official returns of the precinct, unless within ninety-six (96) hours after the close of the polls a candidate shall in writing request the county board of elections to check and recanvass the voting machines of any precinct or any number of precincts. When such a request has been made the election commission shall immediately assemble and recheck and recanvass each machine and make a proper return thereof to the county court clerk, in which event the canvass and return shall become the official returns for the election. In making the recanvass the board shall make a record of the number of the seal upon the voting machine and without unlocking the machine against voting, recanvass the vote cast thereon. If, upon a recanvass, it is found that the original canvass of the returns has been correctly made from the machine, and that there still remains a discrepancy unaccounted for, the board with the assistance of the county clerk, shall unlock the voting and counting mechanism of the machine, and shall proceed thoroughly to examine and test the machine to determine and reveal the true cause, if any, of the discrepancy in returns of the machine. Each registering counter shall be reset at zero before it is tested, after which it shall be operated at least one hundred (100) times. After the completion of the examination and test, the county clerk shall then and there prepare a statement, in writing, giving in detail the result of the examination and test and statement which shall be witnessed by the persons present, and shall be filed with the board. If, upon recanvass, it appears that the original canvass of the returns by the election officers was incorrect, the returns and all papers being prepared by the board shall be corrected accordingly, except that there shall be no change in the vote of any candidate from that originally certified unless such candidate was actually notified. At the recanvass, each political party represented on the board may appoint a representative there to be its governing body, and also each candidate to be voted for may be present either in person or by a representative or both.

Section 45. A new section of KRS Chapter 117 is created to read as follows:

(1) The county executive committee of any political party having a ticket to elect at any regular election, may designate not more than two challengers to be present at and witness the holding of the election in each precinct in the county. The challengers shall be entitled to stay in the room or at the door. The challengers shall be registered voters of the county in which the election is held, shall be appointed in writing signed by the chairman of the committee and shall produce written appointments on demand of any election officer.

(2) Any school board candidate, independent candidate, or independent ticket at the regular election may designate not more than one challenger to be present at and witness the holding of the elections in each precinct in the county. The challenger shall be entitled to stay in the room or at the door. The challenger shall be a registered voter of the county in which the election is held, shall be appointed in writing by the chairman of the committee, independent candidate or candidates representing a ticket, and shall produce written appointment on demand of any election officer.

(3) Not later than thirty days prior to an election at which Constitutional amendments or other public questions are to be submitted to the vote of the people, any committee that in good faith advocates or opposes an amendment or public question may file a petition with the clerk of the county asking that the petitioners be recognized as the committee entitled to nominate inspectors and challengers to serve at the election at which the Constitutional amendment or public question is to be voted on. If more than one committee alleging itself to advocate or oppose the same amendment file such a petition, the county board of elections shall decide, and announce by registered mail to each committee not less than twenty days immediately preceding the election, which committee is entitled to nominate the challengers and inspectors. Such decision shall not be final, but any aggrieved party may institute proceedings in the county court, and upon hearing the county judge shall determine which of such committees shall be recognized as the one to select inspectors and challengers at the election.

(4) The committee shall file the names of the persons nominated by it with the clerk of the county at least five days before the election. The county board of elections shall, within two days thereafter, certify the nominees of the committee for the respective precincts to serve as challengers and inspectors at the election where any Constitutional amendment or public question is to be voted upon. If more than one amendment or question is to be voted upon, the county board of elections may designate, on the petition of the committee, one person for each amendment and question to serve as inspector at the election and one person for each amendment and question to serve as challenger at the election.

(5) The challengers and inspectors shall perform their duties in the same manner and be subject to the same privileges as other inspectors and challengers at an election.

(6) Each political party is entitled to have not exceeding two challengers at each precinct during the holding of the primary election. Any group of bona fide candidates, as defined in Section 107 of this Act, of the same political party equal to twenty-five percent of all the candidates for that party to be voted for in a county in any primary, including state, district and all other candidates, may recommend to the county committee or governing authority of the party for the county a list of persons whom they desire to have appointed as challengers in each precinct in the county. If more than two such lists are furnished, the committee or governing authority, in making appointments of challengers, shall alternate between the several lists so furnished so as to give to each list an equal amount or proportion of the appointments, but in no event shall there be appointed more than one challenger for any precinct from any one list. The list of challengers shall be presented to the chairman or secretary of the party committee of the county not less than seven days before the date on which the primary is to be held, and the committee or the chairman thereof shall make the appointments and certify to same at least four days before the date on which the primary is held. The appointment of challengers shall be certified in all respects as challengers at regular elections, except as otherwise provided in this section, and the challengers shall be registered voters of the county in which the primary is held, shall be subject to the same penalties and possess the same rights and privileges as challengers at regular elections, except that the challengers of one political party shall not be entitled to challenge persons who offer to vote for candidates of any other party in the primary. The provisions of this section shall be enforceable against the chairman of the political party committees by a mandatory summary proceeding instituted in the circuit court. The order of the court may be reviewed by the Court of Appeals as provided for the granting or dissolving of temporary injunctions.

Section 46. A new section of KRS Chapter 117 is created to read as follows:

(1) The absent voter shall mark his ballot, seal it in the inner envelope and then in the outer envelope and mail it to the county clerk. The absent voter shall sign the outer envelope in order to validate the absent ballot. It shall be received by the clerk before 3 p.m. standard time on election day in order to be counted.

(2) The clerk shall deposit all of the returned ballots in a locked ballot box immediately upon receipt without opening the outer envelope. The ballot box shall be locked with three locks. The keys to the box shall be retained by the three members of the central absentee ballot county board, if one is appointed, or by the members of the board of elections, and the box shall remain locked until the ballots are counted.

(3) The clerk shall keep a list of all persons who return their voted absentee ballots, and send a copy of that list to the state board after election day.

Section 47. A new section of KRS Chapter 117 is created to read as follows:

(1) The challenge of an absent voter's ballot must be in writing and in the hands of the county clerk before 3:00 p.m. on election day.

(2) The county board of elections shall count the absentee ballots. The board may appoint a central absentee ballot counting board of not less than three (3) members, who shall be qualified voters and no more than two-thirds (2/3) of which shall be members of the same political party, to count the ballots at the direction of the county board of elections.

(3) Beginning at 3 p.m. on election day the board may meet at the clerk's office to count the absentee ballots. Candidates or their representatives shall be permitted to be present. The board shall open the boxes containing absent voters' ballots and remove the envelopes one at a time. As each envelope is removed, it shall be examined to ascertain whether the outer envelope is in proper order and has been signed by the absent voter. All unsigned absentee ballots shall be rejected automatically. The clerk shall compare the signature on the outer envelope with the signature of the voter that appears on the registration card. If the outer envelope is found to be in order the clerk shall read aloud the name of the absent voter. If the vote of such voter is not rejected on a challenge then made as provided in subsection (4), the clerk shall then open the envelope and remove the inner envelope and place it unopened in a ballot box which has been provided for the purpose.

(4) When the name of an absent voter is read aloud by the clerk, the vote of such voter may be challenged and the challenge thereto may be determined and the vote accepted or rejected by the board as if the voter was present and voting in person, but if the outer envelope is regular, and substantially complies with the provisions of this chapter, they shall be considered as showing that the absent voter is prima facie entitled to vote. If the vote of an absent voter is rejected pursuant to the challenge, the outer envelope shall not be opened, and the clerk shall write on the envelope the word "rejected".

(5) After the challenges have been made and all the blank inner envelopes have been placed in a ballot box, the box shall be thoroughly shaken so as to redistribute the ballots in the box. The board shall then open the ballot box, remove the absentee ballot from the inner envelopes and count the absentee ballots on a form provided by the state board.

(6) The county clerk shall retain the ballots and the inner envelopes for thirty (30) days, at which time they shall be burned by the county board of elections. If a contest or recount proceeding is instituted during said thirty-day period, the ballots shall not be burned but shall be disposed of as directed by the court in which such proceeding was instituted.

Section 48. A new section of KRS Chapter 117 is created to read as follows:

(1) The cost of all elections held in any county shall be allowed by the fiscal court and paid by the county treasurer except as otherwise provided by law. In any election when candidates for city office are voted upon, the city shall bear its proportionate share of the cost of the election.

(2) When the cost of any election has been allowed by the fiscal court and paid by the county treasurer, and within 60 days following the date of the election, the county treasurer shall certify the amount of such expenses, indicating each item of expense separately, together with a statement of the number of precincts in the county, the date and kind of election to the state board of elections. The certification shall be filed within 90 days after the election. Upon receipt of the certification and upon being satisfied as to the correctness thereof, the state board of elections shall issue its warrant upon the State Treasurer in favor of the county treasurer for one-half of the amount of the expenses but not exceeding in any event an amount equal to fifty dollars for each precinct in the county. All sums paid under this section shall be in addition to any sum paid by the state for ballot paper in elections.

(3) Payments to any county under the provisions of subsection (2) of this section shall be terminated if and whenever it fails to renew a lease, contract, or lease and option with the State Property and Buildings Commission executed in connection with the acquisition of voting machines by the commission for the use of such county; and payments to any county shall be terminated whenever such county fails to pay any part of the rentals required for any effective period of the lease.

Section 49. A new section of KRS Chapter 117 is created to read as follows:

As used in Sections 49 to 61 of this Act, unless the context otherwise requires:

(1) "Commission" means the state property and buildings commission, or, if said commission shall be abolished, the department, board, body or commission succeeding to the principal functions thereof, or to whom the powers given by Sections 49 to 61 of this Act shall be given by law;

(2) "Project," or the words, "voting machine project," mean a public project as defined in KRS chapter 58;

(3) "Bonds," or the words, "voting machine first mortgage revenue bonds," mean commonwealth of Kentucky, state property and buildings commission, voting machine first mortgage revenue bonds issued in accordance with the provisions of Sections 49 to 61 of this Act;

(4) "Sinking fund" means a fund to be set aside and held separate and apart from all other funds of the state or of the commission, into which the income and revenues of a voting machine project, including rents, royalties, fees and proceeds of sale of voting machines, are to be deposited and earmarked to meet the principal and interest requirements on any bonds issued under Sections 49 to 61 of this Act;

(5) "Sinking fund reserve" means a fund to be set aside and held separate and apart from all other funds of the state or of the commission, to be held as a reserve against any default in principal or interest payments on such bonds, and to be earmarked, to the extent not otherwise used, to payment of requirements on such bonds during the latest years of maturities thereof, as may be specified in the instruments provided for in Sections 49 to 61 of this Act;

(6) "Cost" means the cost of purchase of voting machines, any advertising expenses in connection therewith, the cost of freight and transportation, the cost of preparing, issuing, selling or exchanging first mortgage revenue bonds as provided for in Sections 49 to 61 of this Act, any capitalized interest expense during an initial period of not exceeding twelve (12) months, to any extent needed during a period necessary to obtain delivery of any voting machines, a sinking fund reserve, and shall further embrace and include all expenses, including legal fees, in connection therewith;

(7) "Voting machine" means a mechanically operated device used for counting and recording votes which complies with specifications enumerated in Section 26 of this Act.

Section 50. A new section of KRS Chapter 117 is created to read as follows:

The commission shall purchase voting machines meeting all of the specifications and requirements of this chapter for each county contracting for same as provided in Sections 49 to 61 of this Act, and shall have the following powers and duties:

(1) To determine the comparative needs and demands for voting machines by the various counties in the state;

(2) To expend such portions of the capital outlay appropriations made available to it by the commonwealth of Kentucky, as may be specified by law, for the purpose of acquiring voting machines, and for matching federal funds as same may be available under any federal law now existing or hereafter enacted, for the purchase or acquisition of voting machines;

(3) To purchase, lease (with option to renew), rent, pledge the revenues of, or mortgage such voting machines as the commission may find to be necessary, upon such terms and conditions and for such consideration as may appear to the commission to be fair and reasonable;

(4) To issue and sell its first mortgage revenue bonds in order to carry out any of the foregoing.

Section 51. A new section of KRS Chapter 117 is created to read as follows:

For the purpose of defraying the cost of any voting machine project, the commission may borrow money from any agency of the federal government or it may issue and sell its voting machine first mortgage revenue bonds, after adopting a resolution specifying the proposed undertaking, the amount of bonds to be issued, and the maximum rate of interest the bonds are to bear, not exceeding six and one-half per cent (6 1/2%) per annum. Such first mortgage revenue bonds may be issued, sold or exchanged as provided for in Sections 49 to 61 of this Act, or as provided in KRS chapters 56 or 58, or by other laws.

Section 52. A new section of KRS Chapter 117 is created to read as follows:

Whenever the fiscal court of any county shall request the commission to finance the acquisition of a specified number of voting machines under Sections 49 to 61 of this Act, the county and the commission may then proceed to acquire such voting machine project as follows:

(1) The commission shall advertise for and receive proposals for the purchase of voting machines in sufficient number to supply the amount agreed to be furnished to such county. The commission also may advertise for bids for a contract for the acquisition of voting machines with the provision that payment for such machines shall be made in bonds issued under Sections 49 to 61 of this Act;

(2) The commission may then enter into a contract for the purchase of such voting machines from the best bidder, subject to satisfactory financing arrangements being made;

(3) The parties shall enter into an agreement to be known as a "contract, lease and option," which shall provide, aliunde, the following:

(a) The commission shall issue its bonds to finance the project, which bonds shall be secured by a chattel mortgage lien against the project and by a pledge of all rentals and revenues therefrom;

(b) The commission shall lease such project to the county for a term of not exceeding one (1) year from the estimated date of completion of the project, with the county having the exclusive right and option to extend the term of the lease from year to year, for periods of one (1) year at a time, for an agreed period, not exceeding twenty (20) years;

(c) The rentals prescribed therein for the original term and for each of the full number of years for which the lease may be extended shall be not less than the amounts required in each of such years to amortize the total cost of the project, as evidenced by the amount of bonds issued to defray the cost thereof, and may include, in any specified years, such additional amounts as the parties may deem advisable to create or supplement any special funds;

(d) The county shall agree, in each effective year of the lease, to maintain the voting machines;

(e) Whenever the commission has been paid sufficient funds, or has sufficient funds on hand, to retire or redeem all of the bonds issued to finance such voting machines through rental payments by the county, or whenever all of such bonds have been retired or redeemed by any lawful method, the commission shall convey and transfer to the county an unencumbered title to such voting machines, and shall transfer to the county any balances then remaining in the sinking fund, in the sinking fund reserve, and in any other funds maintained in connection with the project;

(f) That in the event of failure by the county to renew the lease or failure to pay any of the rentals prescribed therein, said contract, lease and option shall be immediately terminated, and all rights of the county thereunder and to the leased voting machines shall be terminated and forfeited to the commission, subject to the provisions of Section 56 of this Act;

(g) Any other reasonable provisions and stipulations deemed necessary and desirable;

(4) The commission shall enter into an agreement, to be known as a mortgage deed of trust, with a trustee, which shall be a Kentucky bank, having trust powers, which is insured by the federal deposit insurance corporation, which instrument shall provide, aliunde, as follows:

(a) That bonds shall be issued to finance the project;

(b) The date, maturities (not exceeding twenty (20) years), prior redemption provisions, if any, form of the bonds and terms and conditions of the issuance and of the public sale of the bonds;

(c) The security of the bonds, which shall include the following:

1. A first chattel mortgage lien against the specific voting machines constituting the voting machine project;

2. A pledge of the revenues of the project, to be set aside and pledged into the sinking fund, and the sinking fund reserve, as special funds, to be deposited with the trustee, and used to meet the principal and interest requirements of the bonds, as may be designated in such instrument;

3. An assignment to the trustee, for the benefit of the bondholders, of all rentals payable to the commission under the contract, lease and option;

(d) The rights of bondholders in the event of default, which rights may include the appointment of a receiver, with powers similar to those set out in KRS 58.060, and may include the rights generally of holders of chattel mortgages under the laws of the state of Kentucky.

Section 53. A new section of KRS Chapter 117 is created to read as follows:

All bonds issued under the provisions of Sections 49 to 61 of this Act shall have the qualities of negotiable instruments, and shall not be subject to taxation. If any of the officers whose signatures appear on

the bonds or coupons cease to be such officers before delivery of the bonds, the signatures shall nevertheless be valid for all purposes the same as if the officers had remained in office until delivery. The bonds shall be payable solely from the revenues or proceeds derived from the project, and shall not constitute an indebtedness of the commission or of any of the counties executing any of such leases, within the meaning of any constitutional provisions or limitations; and it shall be so stated on the face of each bond.

Section 54. A new section of KRS Chapter 117 is created to read as follows:

Any appropriations by the legislature for voting machine purposes may be applied directly toward the cost of such voting machine projects, may be deposited by the commission in the sinking fund reserve, or may be applied to redeem bonds in advance of maturity in accordance with the bond proceedings. All money received from the proceeds of any bonds issued under Sections 49 to 61 of this Act shall be used solely in payment of the cost of such voting machine projects as defined in Sections 49 to 61 of this Act.

Section 55. A new section of KRS Chapter 117 is created to read as follows:

If the commission shall create a sinking fund reserve, as defined in Section 49 of this Act, out of the proceeds of the sale of any bonds, such reserve, including such additional amounts as may be deposited therein from other sources, shall be maintained by the commission separate and apart from all other funds of the commission, except that sums shall be transferred therefrom to the sinking fund if and to any extent required at any time to prevent default in the payment of principal or interest on any of said bonds, or whenever the total amount on deposit in said reserve fund is sufficient to retire or redeem all of the principal and interest requirements on the outstanding bonds, but no transfer or withdrawal shall be made for any other purpose. It may be provided that in the event of any withdrawals from the sinking fund reserve, any deficiency in the amount agreed to be maintained therein shall be restored by the commission as soon as revenues are sufficiently available to enable it to do so. Such sinking fund reserve may be invested in obligations of the United States government having maturities not in excess of five (5) years, or may be invested or deposited in accounts insured by the United States government, until needed, as the commission may determine.

Section 56. A new section of KRS Chapter 117 is created to read as follows:

(1) The commission may issue a separate bond issue to finance the cost of a voting machine project for any individual county, may finance the cost of voting machine projects for two (2) or more counties by one or more bond issues, and may receive and act on bids for more than one bond issue at the same time.

(2) Separate records shall be maintained by the commission with reference to rentals payable by the two (2) or more counties whenever bonds of a single issue are issued to finance two (2) or more projects, provided that a failure by any individual county to renew a lease executed under Sections 49 to 61 of this Act, or to pay a prescribed rental for any effective period thereof, shall not have the effect of terminating other leases of other voting machine projects of other counties which have not failed to renew their leases or to pay the prescribed rentals thereunder, and rights of bondholders prescribed in Section 52 of this Act are subject to the foregoing.

Section 57. A new section of KRS Chapter 117 is created to read as follows:

Upon termination or cancellation of the lease of any voting machine project, the commission shall immediately take appropriate action to cause such project to produce revenues or proceeds from other sources, and shall apply any amounts in the sinking fund and in the sinking fund reserve, to prevent any of the bonds from being in default.

Section 58. A new section of KRS Chapter 117 is created to read as follows:

The commission may cooperate with any county in the issuance of one or more separate bond issues to acquire voting machines for such county from time to time, Provided, however, That each separate bond issue must be secured by a lien or charge of the revenues against the specific voting machines financed by such respective bond issues.

Section 59. A new section of KRS Chapter 117 is created to read as follows:

Any holder of the bonds, or any of the coupons, may, either at law or in equity, protect and enforce the lien, and may by action enforce and compel the performance of all duties provided in Sections 49 to 61 of this Act.

Section 60. A new section of KRS Chapter 117 is created to read as follows:

The commission may issue refunding bonds for the purpose of providing funds for the payment of any outstanding bonds, in accordance with the procedure prescribed for the issuance of the original bonds. The refunding bonds shall be secured to the same extent and shall have the same source of payment as the bonds which are refunded.

Section 61. A new section of KRS Chapter 117 is created to read as follows:

The provisions of Sections 49 to 61 of this Act are additional and alternate methods for the financing of voting machine projects and do not include, alter, amend or repeal any other statute. No proceedings shall be required for the acquisition of voting machines, or the issuance of bonds under Sections 49 to 61 of this Act, except as are prescribed by Sections 49 to 61 of this Act.

Section 62. A new section of KRS Chapter 117 is created to read as follows:

(1) Any person who violates any provision of this chapter, or who wilfully does any act that will accomplish a result intended to be prevented, or that will prevent from being accomplished a result intended to be permitted, shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned in the county jail for not more than one year, or both.

(2) Any county clerk, member of the county board of elections or any election officer who wilfully violates any of the provisions of this chapter shall be confined in the penitentiary for not less than one nor more than three years.

(3) Any officer who wilfully or neglectfully fails to prepare or furnish ballot labels or special ballots or fails to allow a qualified voter to cast his vote on the machine as required of him by this chapter shall be fined not less than one thousand dollars ($1,000) nor more than two thousand dollars ($2,000) for each offense, and in addition thereto may be confined in the county jail for not less than sixty (60) days nor more than six (6) months.

Section 63. A new section of KRS Chapter 117 is created to read as follows:

Any county clerk or deputy county clerk who falsely or fraudulently registers the name of any person, or permits any person to register knowing that such person is not entitled to register, or who fails or refuses to deliver copies of the registration records to a person entitled thereto, or to the proper election officers for use in elections, shall be imprisoned in the penitentiary for not less than one (1) year nor more than three (3) years.

Section 64. A new section of KRS Chapter 117 is created to read as follows:

(1) In the case of registration outside of cities of the first class, any person who knowingly or fraudulently causes himself to be registered in more than one precinct, or in a precinct other than the one in which he is a legal voter, or who registers under any name other than his real name, or who gives a false address, or who in any manner causes himself to be registered when he is not legally entitled to register, or who knowingly or fraudulently aids, abets, counsels or advises in the commission of any such act, shall be imprisoned in the penitentiary for not less than one (1) year nor more than three (3) years.

(2) In the case of registration in cities of the first class, any person who knowingly causes himself to be registered in more than one precinct, or to be registered more than once, or to be registered when he is not entitled to register, or who makes a false oath as to his ability to read or write, or who aids or abets in the commission of any such act, shall be fined not less than two hundred dollars ($200) nor more than one thousand dollars ($1,000), or imprisoned in the penitentiary for not less than one (1) year nor more than five (5) years, or both.

Section 65. A new section of KRS Chapter 117 is created to read as follows:

Any person who fraudulently or unlawfully alters any registration record, or fraudulently adds any name thereto, or wilfully secretes, suppresses, mutilates or destroys any registration record, or makes or uses any false or fraudulent registration record, shall, when such act occurs in connection with registration outside of a city of the first class, be imprisoned in the penitentiary for not less than one (1) year nor more than three (3) years. When such act occurs in connection with registration in a city of the first class, such person, and any person who aids or abets in the commission of such act, shall be fined not less than two hundred dollars ($200) nor more than one thousand dollars ($1,000), or imprisoned in the penitentiary for not less than one (1) year nor more than five (5) years, or both.

Section 66. A new section of KRS Chapter 117 is created to read as follows:

Any person who attempts to or forcibly prevents any person from registering, or in any way unlawfully interferes with any person registering, or prevents or interferes with a clerk or registration officer in carrying out his duties with relation to the registration of voters, shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or imprisoned in the county jail for not less than six (6) months nor more than twelve (12) months, or both.

Section 67. A new section of KRS Chapter 117 is created to read as follows:

Any person in possession of nomination papers entitled to be filed under the statutes relating to primary elections who wrongfully alters, mutilates or suppresses such papers, or wrongfully fails to cause them to be filed at the proper time in the proper office, shall be fined not more than five hundred dollars ($500), or imprisoned in the county jail for not more than six (6) months, or both.

Section 68. A new section of KRS Chapter 117 is created to read as follows:

Any person who forges the name of a signer to a nomination paper shall be imprisoned in the penitentiary for not less than two years nor more than ten years.

Section 69. A new section of KRS Chapter 117 is created to read as follows:

Any county clerk who wilfully and knowingly refuses or fails to have the name of any candidate printed upon the official ballot in the manner provided by law shall be imprisoned in the penitentiary for not less than one (1) year nor more than three (3) years.

Section 70. A new section of KRS Chapter 117 is created to read as follows:

Any county clerk who refuses or fails to have ballots printed on paper furnished by the secretary of state, as provided in Section 60 of this Act, shall be fined five hundred dollars ($500), or imprisoned in the

county jail for six (6) months, or both.

Section 71. A new section of KRS Chapter 117 is created to read as follows:

Any printer of ballots, or person employed in printing ballots, who prints or permits to be printed any ballot in any other form than the one prescribed by law, or with any name or device placed, spelled or arranged thereon other than as authorized and directed by the county clerk, or who gives or delivers, or knowingly permits to be taken, any ballot by any person other than the county clerk for whom the ballots are being printed, shall be imprisoned in the penitentiary for not less than three (3) years nor more than ten (10) years.

Section 72. A new section of KRS Chapter 117 is created to read as follows:

(1) Any person who steals or wilfully destroys any of the election supplies required to be furnished by the county clerk shall be fined not less than fifty dollars ($50.00) nor more than two hundred dollars ($200), and imprisoned in the county jail for not less than one (1) month nor more than six (6) months.

(2) Any person who, during an election, knowingly and wilfully removes or defaces the cards printed for the instruction of the voters, or destroys or removes any booth or other convenience provided for the election, or induces or attempts to induce any person to commit any such act, shall be imprisoned in the county jail for not less than six (6) months nor more than one (1) year.

Section 73. A new section of KRS Chapter 117 is created to read as follows:

Any sheriff who wilfully fails to cause an election to be held, as required by law, shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500). Any sheriff who wilfully fails to perform any other duty concerning an election, for which there is no penalty specifically prescribed, shall be fined not less than twenty dollars ($20.00) nor more than two hundred dollars ($200).

Section 74. A new section of KRS Chapter 117 is created to read as follows:

Any officer of election who, after due notice of his appointment, fails without good cause to perform his duty in holding any election, shall be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500).

Section 75. A new section of KRS Chapter 117 is created to read as follows:

Any election officer who refuses to permit any challenger of any political party having a ticket to be voted for at an election, who has been duly appointed and presents a duly attested certificate of appointment, to perform his duties as challenger, shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500).

Section 76. A new section of KRS Chapter 117 is created to read as follows:

(1) Any person who unlawfully prevents or attempts to prevent any voter from casting his ballot, or intimidates or attempts to intimidate any voter so as to prevent him from casting his ballot, or who unlawfully interferes with the election officers in the discharge of their duties, shall be confined in the penitentiary for not less than one (1) year nor more than five (5) years, for each offense.

(2) Any person who, by himself or in aid of others, forcibly breaks up or prevents, or attempts to break up or prevent, or obstructs or attempts to obstruct, the lawful holding of an election, shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500), or imprisoned in the county jail for not more than one (1) year.

Section 77. A new section of KRS Chapter 117 is created to read as follows:

(1) Any person who falsely personates a registered voter, and receives and casts a ballot by means of such personation, shall be imprisoned in the penitentiary for not less than one (1) year nor more than two (2) years, and shall forfeit his right to vote forever after. An attempt at such personation shall be punished by a fine of not more than two hundred dollars ($200), and imprisonment in the county jail for not more than six (6) months.

(2) Any person who, by means other than falsely personating a registered voter, votes at an election in this state when he is a resident of another state or country, or votes more than once at an election, or knowingly votes or offers to vote in a precinct other than the one in which he resides, or votes by use of the naturalization papers of another person, shall be imprisoned in the penitentiary for not less than one (1) year nor more than five (5) years. Any person who lends or hires his or another's naturalization papers to be used for the purpose of voting shall be subject to the same penalty.

(3) Any resident of this state who, by means other than falsely personating a registered voter, votes at a regular or special election before he has resided in this state 30 days, or in the county and precinct where the election is held the time required by law, or before he has attained full age, or before he has become a citizen, shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100), or imprisoned in the county jail for not less than ten (10) days nor more than ninety (90) days, or both.

(4) Any person who, by means other than falsely personating a registered voter, votes in a primary election knowing that he is not qualified as provided in Section 5 of this Act, shall be fined one hundred dollars ($100) for each offense.

(5) Any person who applies for or receives a ballot at any voting place other than the one at which he is entitled to vote, under circumstances not constituting a violation of any of the provisions of subsections (1)

to (4) of this section, shall be fined not less than twenty dollars ($20.00) nor more than five hundred dollars ($500), or imprisoned in the county jail for not less than ten (10) days nor more than six (6) months, or both.

Section 78. A new section of KRS Chapter 117 is created to read as follows:

(1) Except as provided in subsection (2) of this section, any officer of election who receives, assents to receive or records a vote at an election at a time or place known by him not to be the time and place lawfully appointed, or who knowingly receives the vote of any person other than a qualified voter, or refuses to receive the vote of a qualified voter, shall, for each offense, be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500), and shall forfeit any office he holds and be disqualified from ever holding any office.

(2) Any judge of a primary election who knowingly receives a vote of an elector who is not qualified to vote in the primary election under Section 5 of this Act shall be fined one hundred dollars ($100) for each offense.

Section 79. A new section of KRS Chapter 117 is created to read as follows:

Any person who wilfully disobeys any lawful command of an election officer, given in the execution of his duty as such at an election, shall be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500).

Section 80. A new section of KRS Chapter 117 is created to read as follows:

(1) Any person who, during an election, knowingly and wilfully removes or attempts to remove a ballot from the election room, or has in his possession outside the election room any ballot, either genuine or counterfeit, shall be imprisoned in the penitentiary for not less than two (2) years nor more than five (5) years.

(2) Any voter who attempts to leave the election room with a ballot in his possession shall at once be arrested on demand of either of the judges of election and shall be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100).

(3) Any person who takes or removes in any manner, feloniously or with the consent or permission of the custodian, any official ballot from any place where it may lawfully be, or knowingly and wilfully has in his possession or custody any such ballot except as an officer or custodian under the law or while within the polling place for the purpose of voting, and any custodian or officer who permits any ballot to be removed or carried away from the place where it may lawfully be by any person other than the officer or custodian whose duty it is to receive it, shall be imprisoned in the penitentiary, for not less than three (3) years nor more than ten (10) years.

(4) Any election officer, or other person entrusted with the custody or control of any ballot, either before or after it has been voted, who in any way marks, mutilates or defaces any ballot or places any distinguishing mark thereon, for the purpose of vitiating the ballot, shall be fined not more than two thousand dollars ($2,000) and imprisoned in the penitentiary for not less than five (5) years nor more than ten (10) years.

(5) Any person who unlawfully destroys or attempts to destroy any ballot box used, or any ballot deposited, at any election, or who unlawfully, by force, fraud or other improper means, obtains or attempts to obtain possession of any ballot box or any ballot therein deposited, while the voting at any election is going on or before the ballots are duly taken out and counted according to law, shall be confined in the penitentiary for not less than one (1) year nor more than five (5) years, and fined not less than fifty dollars ($50.00) nor more than one thousand dollars ($1,000).

(6) Any election officer who mutilates or tampers with any of the seals, or destroys or removes any ballots required to be preserved, shall be confined in the penitentiary for not less than one (1) year nor more than three (3) years.

(7) Any county clerk who knowingly and wilfully opens any ballot box and removes any ballot therefrom, or removes, destroys or tampers with a ballot box and ballots left in his care and custody, or permits any other person to do so, during the period the boxes are required to remain locked in his office, shall be confined in the penitentiary for not less than one (1) year nor more than three (3) years.

(8) Any person who removes, mutilates or destroys, or adds any new ballots to, the regular ballots that have been counted and prepared for preservation, or that have already been preserved, so that the result of the election in the precinct or county is changed, shall be confined in the penitentiary for not less than one (1) year nor more than three (3) years.

(9) Any person who tampers with or changes the ballots, or opens the receptacles in which the ballots are contained without the order of the court, after the ballots have been sent to the Franklin County courthouse in connection with the contest of a constitutional amendment, shall be fined not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000), and imprisoned in the county jail for not less than six (6) months nor more than one (1) year.

Section 81. A new section of KRS Chapter 117 is created to read as follows:

(1) Any person who receives a bribe for his vote at an election, or for his services or influence in procuring a vote at an election, shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500), and be excluded from office and suffrage.

(2) Any person who bribes another shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100), or imprisoned in the county jail for not less than ten (10) days nor more than ninety (90) days, or both, and upon conviction shall be excluded from office and suffrage.

(3) "Bribe," as used in this section, means any reward, benefit or advantage, present or future, to the person influenced or intended to be influenced, or to another at his instance, or the promise of such reward, benefit or advantage; it includes money or other thing of value given or lent to be wagered on the result of an election, or the promise thereof, or a bet with another that such other will vote for a named candidate, and the gift or promise of a share in any such bet made or to be made.

(4) Any person who receives money or other thing of value to be used for the purpose of procuring or influencing a vote shall be deemed to have been bribed.

Section 82. A new section of KRS Chapter 117 is created to read as follows:

Any person who sells, loans, gives or furnishes intoxicating liquor to any person in this state on the day of any regular or primary election, under circumstances not constituting a violation of KRS 242.100, 244.290 or 244.480, shall be fined not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) for each offense.

Section 83. A new section of KRS Chapter 117 is created to read as follows:

Any member of a county board of election commissioners who refuses to permit an inspector designated under Sections 41 and 45 of this Act to exercise free and full action in witnessing the count of the ballots, or interferes with the right of such an inspector to have a free and full opportunity to witness the count of the ballots, shall be guilty of a high misdemeanor, and shall be fined not less than one thousand dollars ($1,000) nor more than two thousand dollars ($2,000), or imprisoned in the county jail for not less than six (6) months nor more than one (1) year.

Section 84. A new section of KRS Chapter 117 is created to read as follows:

Any person who wilfully alters, obliterates, secretes, suppresses or destroys a stub book, return or certificate of election, and any officer who makes, aids in making or authorizes the making of any false or fraudulent stub book, certificate of election or election return, shall be confined in the penitentiary for not less than one (1) year nor more than five (5) years.

Section 85. A new section of KRS Chapter 117 is created to read as follows:

Any member of the state board of elections or of a county board of election commissioners who wilfully and knowingly violates any provision of the statutes relating to his duties, or fails to execute faithfully any of the duties imposed upon him by law, for which no other penalty is provided, shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), and imprisoned in the county jail for not more than sixty (60) days.

Section 86. A new section of KRS Chapter 117 is created to read as follows:

Any person who, by threat of violence or in any other manner, intimidates or attempts to intimidate the election officers, the state board of elections or a county board of election commissioners in the performance of their duty and any persons who conspire together and go forth armed for the purpose of intimidating said officers, shall be imprisoned in the penitentiary for not less than one (1) year nor more than five (5) years.

Section 87. A new section of KRS Chapter 117 is created to read as follows:

Any public officer who wilfully neglects to perform a duty imposed upon him under the election laws, for which no other penalty is provided, or who wilfully performed such duty in a way that hinders the objects of the election laws, shall be fined fifty dollars ($50.00) and imprisoned in the county jail for two (2) months.

Section 88. A new section of KRS Chapter 117 is created to read as follows:

Any person who counsels, advises, procures or aids in the commission of any of the offenses named in this chapter shall incur the penalty provided for committing such offense.

Section 89. A new section of KRS Chapter 117 is created to read as follows:

Irregularities or defects in the mode of convening or conducting an election shall constitute no defense to a prosecution for a violation of the election laws.

Section 90. A new section of KRS Chapter 117 is created to read as follows:

(1) Any act or deed denounced by the statutes concerning regular elections or concerning elections generally shall be an offense when committed in connection with a primary election held under KRS Chapter 118, and shall be punished in the same manner, and all the penalties for violation of the regular election laws shall apply with equal force to all similar violations of the provisions of the statutes relating to primary elections.

(2) Penalties prescribed for offenses against the election laws in the election of other officers shall apply to elections for United States senator.

Section 91. A new section of KRS Chapter 117 is created to read as follows:

Election officers shall give information of all infractions of the election laws to the grand jury or commonwealth's attorney. When there is reason to fear that an offender will escape out of the county before indictment, any election officer may procure his immediate apprehension.

Section 92. A new section of KRS Chapter 117 is created to read as follows:

Except as provided in Section 93 of this Act, any person who refuses, when summoned, to testify on oath before a grand jury as to any knowledge he may possess concerning any violation of law in relation to elections in the county during the preceding eighteen (18) months shall be imprisoned until he submits, and be fined not less than ten dollars ($10.00) nor more than thirty dollars ($30.00) by the court, and a like sum for each daily repetition of the contempt.

Section 93. A new section of KRS Chapter 117 is created to read as follows:

Any person having the possession of any books, correspondence or papers of a corporation that may show or tend to show any violation of the provisions of Section 179, or of Section 181 to 182, or of subsection (1) of Section 193 of this Act, who refuses, when summoned by a grand jury, to produce such books, correspondence or papers, or to appear and testify concerning them or to give any other evidence material to the matter under investigation, shall be proceeded against for contempt, and upon conviction shall be fined not more than one thousand dollars ($1,000) or imprisoned for not more than one (1) year.

Section 94. A new section of KRS Chapter 117 is created to read as follows:

No person shall be convicted of a violation of any of the statutes relating to elections upon the testimony of only one (1) witness, unless sustained by strong corroborating circumstances.

Section 95. A new section of KRS Chapter 117 is created to read as follows:

(1) In any prosecution under the election laws it shall be no exemption for a witness that his testimony may criminate himself, but no such testimony given by a witness shall be used against him in any prosecution, except for perjury, and if used on behalf of the commonwealth he shall stand discharged from all penalties for any violation of the election laws so necessarily disclosed in his testimony as tending to convict the accused.

(2) The statement of any person testifying in any case pending under the provisions of Section 179, Section 181 to 182, or subsection (1) of Section 193 of this Act shall not be used against him in any prosecution or civil proceeding.

Section 96. A new section of KRS Chapter 117 is created to read as follows:

No prosecution shall be had under the election laws where the penalty is less than confinement in the penitentiary unless the prosecution is commenced within two (2) years from the time of the commission of the offense.

Section 97. A new section of KRS Chapter 118 is created to read as follows:

(1) A "political party" within the meaning of this chapter, is an affiliation or organization of electors representing a political policy and having a constituted authority for its government and regulation, and which cast at least twenty per cent (20%) of the total vote cast at the last preceding election at which presidential electors were voted for.

(2) The word "election" used in reference to a state, district, county or city election, includes the decisions of questions submitted to the qualified voters as well as the choice of officers by them.

Section 98. A new section of KRS Chapter 118 is created to read as follows:

(1) Except as otherwise provided by law voting in all elections shall be by secret ballot on voting machines.

(2) All primary elections for the nomination of candidates to be voted for at the next regular election shall be held on the first Tuesday after the fourth Monday in May of each year.

(3) The election of all officers of all governmental units shall be held on the first Tuesday after the first Monday in November.

Section 99. A new section of KRS Chapter 118 is created to read as follows:

(1) The polls shall be opened at 6:00 a.m., prevailing time, and remain open continuously until 6:00 p.m., prevailing time. Any voter who is waiting in line at the polls to cast his vote at closing time, and who has been unable to cast his vote before closing time because of the large numbers of voters casting their votes, shall be allowed to cast his vote as soon after closing time as practicable; provided however, that no vote shall be cast after 7:00 p.m. No voter who arrives at the polls after 6:00 p.m., prevailing time, shall be allowed to cast his vote.

(2) Any person entitled to a vote at any election in this state shall, if he has made application for leave prior to the day of election, be entitled to absent himself from any services or employment in which he is then engaged or employed for a period of four hours on the day of the election, between the time of opening and closing the polls. Such person shall not, because of so absenting himself, be liable to any penalty. The employer may specify the hours during which the employe may absent himself. No person shall refuse an employe the privilege hereby conferred, or discharge or threaten to discharge an employe or subject an employe to a penalty, because of the exercise of the privilege.

Section 100. A new section of KRS Chapter 118 is created to read as follows:

(1) Except as provided in subsections (3) and (4) of this Section and in Section 101 of this Act, every political party shall nominate all of its candidates for elective offices to be voted for at any regular election at a primary election held as provided in this Act, and the governing authority of any political party shall have no power to nominate any candidate for any elective office or to provide any method of nominating candidates

for any elective office other than by primary elections as provided in this Act.

(2) Any political organization not constituting a political party as defined in Section 97 of this Act may make its nominations as provided in Section 118 of this Act.

(3) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination made by the primary before the ballots are printed for the regular election, the governing authority of the party may provide for filling the vacancy. When such a nomination has been made, the certificate of nomination shall be signed by the chairman and secretary of the governing authority of the party making it, and shall be filed in the same manner as certificates of nomination at a primary election.

(4) This chapter does not apply to candidates for subdistrict school trustees, members of boards of education, members of the legislative bodies of cities of the fifth or sixth class, or presidential electors, nor to candidates for mayor, police judge or commissioner in cities of the fourth class operating under the commission form of government and in cities of the second, third or fourth class operating under the city manager form of government.

Section 101. A new section of KRS Chapter 118 is created to read as follows:

Candidates for unexpired terms to be filled at a regular election shall be nominated at the primary next preceding the regular election, if the vacancy occurred not less than seventy (70) days before the primary. If the vacancy occurred less than seventy (70) days before the primary, the nomination shall be made in a manner determined by the governing authority of the political party concerned. In the preparation of ballots, candidates for full terms shall be grouped together, and candidates for unexpired terms shall be grouped together, under appropriate headings, so that the voter may easily distinguish the candidates for full terms from the candidates for unexpired terms.

Section 102. A new section of KRS Chapter 118 is created to read as follows:

(1) Except as provided in Sections 104 and 105 of this Act, any person who is qualified under the provisions of Section 5 to vote in any primary election for the candidates for nomination by the party at whose hands he seeks the nomination, shall have his name printed on the official ballot of his party for an office to which he is eligible in that primary, upon filing, with the proper officer at the proper time, a notification and declaration.

(2) The notification and declaration shall be in the form prescribed by the state board of elections. The declaration shall be subscribed and sworn to by the person making it, before an officer authorized to administer an oath.

(3) At the time of filing his notification and declaration, the candidate shall file therewith an affidavit of two (2) reputable electors who are members of the party to which the candidate belongs. The affidavit shall be in the form prescribed by the state board of elections.

(4) The notification and declaration and the accompanying affidavits may be on the same or separate sheets, but shall be filed together. When so filed with the proper officer, the officer shall have the candidate's name printed on the ballot according to the provisions of this chapter.

Section 103. A new section of KRS Chapter 118 is created to read as follows:

No person shall file a notification and declaration to become a candidate in a primary election as a pretended, fictitious or "dummy" candidate for the purpose of influencing or controlling the selection of challengers or inspectors or officers of election, nor shall any person solicit, persuade, urge, influence or induce another person to file a notification and declaration with the intention that such person become a pretended, fictitious or "dummy" candidate for the purpose of influencing or controlling the selection of challengers or inspectors or officers of election.

Section 104. A new section of KRS Chapter 118 is created to read as follows:

(1) The provisions of Section 102 of this Act do not apply to candidates for judge of the Court of Appeals or to candidates for judge of the circuit court. For such judicial positions any eligible person may become or be proposed as a candidate for nomination by any and every political party having a ticket to be voted for in the district for which the office is to be filled, but such persons shall not be required to seek the nominations nor to make a declaration of party loyalty or support, and as a requirement for such nomination shall not be required to be registered as affiliated with any political party. The nomination may be proposed for an eligible candidate either by resolution of the proper committee, or by the application of two reputable electors, of any political party whose nomination is sought. The resolution or application shall be filed as provided by Section 106 of this Act for other nomination papers. The name of a candidate shall not be placed upon the ballot if, before the preparation of the ballots, he files with the officer with whom the nomination papers were filed a written objection, signed and sworn to by him.

(2) The name of a successful candidate in the primary for nomination for judicial offices shall appear on the ballot at the regular election under the device of as many political parties as have nominated the candidate. He may appear thereon by petition of voters, or otherwise as may be permitted by law, and at the regular election shall be entitled to the total of the votes that he receives on the ballot.

(3) Before any successful candidate for judicial nomination is given his certificate of nomination, he shall file with the county clerk of the county in which he resides a statement that during the campaign for the

nomination he did not, and while a candidate for the office will not, knowingly violate any election law or any law relating to corrupt and fraudulent practice in campaigns or elections in this state, and if elected will qualify for the office.

Section 105. A new section of KRS Chapter 118 is created to read as follows:

(1) The provisions of Section 102 of this Act shall not apply to any eligible person serving in the Armed Forces of the United States while this country is at war. The name of such person shall be printed on the official ballot of his party for an office for which he is eligible in any primary election when an application has been filed on his behalf by two reputable electors of the party at whose hands he seeks the nomination.

(2) Such application shall be accompanied by a statement signed by the proposed candidate authorizing the action of the electors.

(3) The application and the candidate's statement, herein mentioned, shall be filed in good faith and with the proper officer at the proper time, as provided for other candidates in primary elections.

(4) The form of such application shall be similar to that of the affidavits required of electors in behalf of other candidates as provided in Section 102 of this Act.

(5) No certificate of nomination shall be given to any such successful candidate serving in the Armed Forces of the United States until he has caused to be filed with the clerk of the county court, in the county of his legal residence, a statement containing such information as required, in Section 104 of this Act, of successful candidates for judicial nominations.

Section 106. A new section of KRS Chapter 118 is created to read as follows:

Candidates for offices to be voted for by the electors of one county or of a district less than one county, except members of Congress and members of the General Assembly, shall file their nomination papers with the county clerk of the county not less than fifty-five days before the day fixed by law for holding the primary election. Candidates for offices to be voted for by the electors of more than one county, and for members of Congress and members of the General Assembly, shall file their nomination papers with the Secretary of State not less than fifty-five days before the day fixed by law for holding the primary election.

Section 107. A new section of KRS Chapter 118 is created to read as follows:

(1) A "bona fide" candidate means one who is seeking party nomination or election according to law.

(2) The bona fides of any candidate seeking party nomination or election as an independent may be questioned by any qualified voter entitled to vote for such candidate or by an opposing candidate by summary proceedings consisting of a motion before the circuit court, or before the circuit judge if the court is in vacation, of the district in which the candidate whose bona fides is questioned resides. The motion shall be tried summarily and without delay, and a hearing before the judge shall be considered a special term for the purpose. Proof may be heard orally, and upon motion of either party shall be officially reported. If the circuit judge of the district in which the proceeding is filed is disqualified or absent from the county or is himself a candidate, the proceeding may be presented to, heard and determined by the circuit judge of any adjoining judicial district. In any county having more than two (2) circuit judges the motion shall be made to and tried by a majority of the circuit judges and the concurrence of a majority of the circuit judges is required to render a decision.

(3) In any action or proceeding under this section the burden of proof as to the bona fides of a candidate shall be on the person challenging the bona fides of a candidate.

(4) If the court finds the candidate is not a bona fide candidate it must so order, and certify the fact to the board of elections, and the candidate's name shall be stricken from the written designation of election officers filed with the board of elections or the court may refuse recognition or relief in a mandatory or injunctive way. The order of the circuit court shall be entered on the order book of the court and shall be subject to a motion to set aside in the Court of Appeals. The motion shall be heard by the Court of Appeals or a judge thereof in the manner provided for dissolving or granting injunctions, except that the motion must be made before the court or judge within five (5) days after the entry of the order in the circuit court, and may be heard and tried upon the original papers, and the order of the Court of Appeals or judge thereof shall be final.

(5) No person shall approach the circuit judge for the purpose of view of influencing his decision on the motion pending before him or to be tried by him.

Section 108. A new section of KRS Chapter 118 is created to read as follows:

If it appears, after the expiration of the time for filing nomination papers, that there is only one (1) candidate who has filed the necessary papers for a place on the ballot of any party on whose ballot he is entitled to have his name printed, the officer with whom the papers are filed shall immediately issue and file in his office a certificate of nomination, and send a copy to the candidate.

Section 109. A new section of KRS Chapter 118 is created to read as follows:

All nomination papers filed under Section 106 of this Act shall at all times be subject to public inspection.

Section 110. A new section of KRS Chapter 118 is created to read as follows:

The secretary of state and the county court clerks shall each keep a book entitled "Register of Candidates for Nomination in the Primary Election," and shall enter on different pages of the book for the different political parties the title of office sought and name and residence of each candidate for nomination in the primary election, the name of his political party, and the date of receiving his nomination papers. The book shall be so kept that the names of all candidates of the same political party shall be on the same or successive pages and the names of candidates of no two (2) political parties shall appear on the same page. The books shall be public records.

Section 111. A new section of KRS Chapter 118 is created to read as follows:

(1) Not less than forty-five days before a primary or regular election is to be held, and after the order of the names has been determined as provided in Section 112 of this Act, the Secretary of State shall certify, to the county clerks of the respective counties entitled to participate in the nomination or election of the respective candidates, the name, place of residence and party of each candidate for each office, as specified in the nomination papers or certificates and petitions of nomination filed with him, and shall designate the device under which the candidate groups or lists of candidates of each party shall be printed, in the order in which they are to appear on the ballot, with precedence to be given to the party that polled the highest number of votes at the preceding election for Presidential electors. Candidates for county offices shall be listed in the following order: county judge, commonwealth's attorney, county attorney, circuit clerk, county clerk, sheriff, jailer, county commissioner, property valuation administrator, coroner, justice of the peace and constable. The names of candidates for President and Vice President shall be certified in lieu of certifying the names of the candidates for presidential electors.

(2) All independent candidates whose nominating petitions are filed with the county clerk shall be listed under the title and device designated by them, or if none is designated, under the word "independent". If the same device is selected by two groups of petitioners, it shall be given to the first selecting it and the county clerk shall permit the other group to select a suitable device.

(3) When any city so provides by ordinance, the ballots used at any election in which city officers are to be elected shall contain the names of candidates for such city offices grouped according to the offices they seek, and such candidates shall be immediately arranged under and beneath the title of office such candidates seek. The order in which the names of the candidates for each office are to be printed on the ballot shall be determined by lot. Each group of candidates for each separate office for which such candidates are to be elected shall be separated from the preceding or succeeding groups by a line transversing the entire ballot and spaced so as to avoid confusion on the part of the voter.

(4) The Secretary of State shall not knowingly certify to the county clerk of any county the name of any candidate who has not filed the required nomination papers, nor knowingly fail to certify the name of any candidate who has filed the required nomination papers.

(5) If any candidate withdraws before certification, the Secretary of State shall not certify his name. If any candidate withdraws before ballot labels are printed, the clerk shall not cause his name to be printed on a ballot label.

Section 112. A new section of KRS Chapter 118 is created to read as follows:

(1) For the purpose of determining the order in which the names of candidates to be voted for by the electors of the entire state shall be certified and printed on the ballots under the designation of the respective offices, the secretary of state shall prepare lists of the counties of each congressional district of the state. He shall then arrange the surnames of all candidates for each office in alphabetical order for the first congressional district, and the names shall be certified in this order to the county clerks of all the counties comprising that district. For each succeeding congressional district, taken in numerical order, the name appearing first for each office in the last preceding district shall be placed last, and the name appearing second in the last preceding district shall be placed first, and each other name shall be moved up one (1) place. The lists shall be certified accordingly.

(2) For all other offices for which nomination papers and petitions are filed with the secretary of state, the order of names of candidates for each office shall be determined by lot at a public drawing to be held in the office of the secretary of state at 2:00 p. m., standard time, fifty-three (53) days before the primary election.

(3) For all offices for which nomination papers and petitions are filed in the office of the county clerk, the order in which the names of candidates for each office are to be printed on the ballot shall be determined by lot at a public drawing in the office of the county clerk at 2:00 p. m., standard time, fifty-three (53) days before the primary election.

Section 113. A new section of KRS Chapter 118 is created to read as follows:

The county clerk of each county shall publish pursuant to KRS Chapter 424 and shall post notice at the courthouse, under the proper party designation and title of each office the names of all persons certified to him by the Secretary of State, in the order in which they were certified, and of all persons for whom nomination papers have been filed with the county clerk. Only the names of persons who have substantially complied with provisions of Section 102 and 103 to 106 of this Act shall be published. The names shall be

published in the order in which they are to appear on the voting machine. The county shall pay the cost of printing.

Section 114. A new section of KRS Chapter 118 is created to read as follows:

The candidate receiving the highest number of votes in a primary election for the office for which he is a candidate shall be the nominee of his party for that office and shall receive the certificate of nomination.

Section 115. A new section of KRS Chapter 118 is created to read as follows:

The county clerk shall receive a fee of one dollar ($1.00) for each notification and declaration and petition filed with him, to be paid by the candidate when the notification and declaration and petition is filed, and a fee of twenty-five cents (25) for each name published as provided in Section 113 of this Act, to be paid by the county.

Section 116. A new section of KRS Chapter 118 is created to read as follows:

(1) Except as provided in Section 120 of this Act, and subject to the provisions of subsections (2) and (3) of this section, the county clerk of each county shall cause to be printed for the voting machines and on the special ballots for the regular election the names of the following persons:

(a) Candidates of a political party, as defined in Section 97 of this Act, who have received certificates of nomination at the preceding primary election, or certificates of nomination under Section 108 of this Act, and whose certificates of nomination have been filed with the secretary of state or the appropriate county clerk.

(b) Candidates of a political party, as defined in Section 97 of this Act, who have been nominated for an unexpired term in a manner determined by the governing authority of the party, as provided in Section 101 of this Act, and whose evidences of nomination have been filed with the secretary of state or the appropriate county clerk within the time prescribed in this chapter.

(c) Candidates of a political party, as defined in Section 97 of this Act, who have been nominated by the governing authority of the party to fill a vacancy in the candidacy of a person nominated at the preceding primary election, as provided in Section 100 of this Act, and whose certificates of nomination have been filed with the secretary of state or the appropriate county clerk, in sufficient time before the regular election to enable their names to be printed for the voting machines and on the special ballots at the time they are required to be printed.

(d) Candidates who have been nominated by a political organization as provided in Section 118 of this Act and whose certificates or petitions of nomination have been filed with the secretary of state or the appropriate county clerk within the time prescribed in this chapter.

(e) Candidates who have been nominated by petition as provided in Section 117 of this Act, and whose petitions of nomination have been filed with the secretary of state or the appropriate county clerk within the time prescribed in this chapter.

(f) Candidates for president and vice-president of the United States, of those political parties and organizations who have nominated presidential electors as provided in Section 118 of this Act, where the certificate of nomination of such electors has been filed with the secretary of state within the time prescribed in this chapter.

(2) Candidates for members of boards of education shall have their names printed on ballot labels and special ballots for the regular election only after filing as provided in KRS 160.220.

(3) Except as provided in Sections 100 and 101 of this Act, the name of no candidate shall be printed upon the ballot labels and special ballots for any regular election as the nominee of any political party, as defined in Section 97 of this Act, or under the emblem of any political party, as so defined, except those candidates who have been duly and regularly nominated as nominees of that party at a primary election held as provided in this chapter.

(4) No county clerk shall knowingly cause to be printed, upon the ballot labels or special ballot for any regular election, the name of any candidate of a political party, as defined in Section 97 of this Act, who has not been nominated in the manner provided in the primary election laws.

Section 117. A new section of KRS Chapter 118 is created to read as follows:

(1) A candidate for any office to be voted for at any regular election may be nominated by a petition of electors qualified to vote for him, complying with the provision of subsection (2) of this section.

(2) A petition of nomination for a state officer, or any officer for whom all the electors of the state are entitled to vote, shall contain one thousand petitioners; for a representative in Congress from any Congressional district, or for any officer from any other district except as herein provided, four hundred petitioners; for a county officer or member of the General Assembly, one hundred petitioners; for an officer of a precinct or ward, or other division less than a county, twenty petitioners. The signatures of the petition need not be appended to one paper. No petitioner shall be counted unless his residence and post-office address are designated. If any person joins in nominating, by petition, more than one nominee for any office to be filled, he shall be counted as a petitioner for the candidate whose petition is filed first. The petition shall state the name and residence of each of the candidates, the name of the office for which he is running, the district, if applicable, from which he is running, that he is legally qualified to hold the office, and that the

subscribers desire, and are legally qualified, to vote for the candidate. The petition shall designate a brief name or title of the party or principle that the candidate represents, together with any simple figure or device by which it is desired that he be designated on the voting machines.

(3) The state board of elections shall prescribe the forms for the petition.

Section 118. A new section of KRS Chapter 118 is created to read as follows:

(1) Any political organization not constituting a political party within the meaning of Section 97 of this Act but which cast two percent of the vote of the state at the last preceding election for Presidential electors may nominate, by a convention or primary election held by the party in accordance with its constitution and bylaws, candidates for any offices to be voted for at any regular election, except the office of member of a board of education, for which nominations shall be made as provided in KRS 160.220. Any political party, as defined in Section 97 of this Act, may nominate candidates for members of the legislative bodies of cities of the fifth and sixth classes in the same manner. Any political party, as defined in Section 97 of this Act, and any political organization not constituting such a political party but which cast two percent of the vote of the state at the last preceding election for Presidential electors, may nominate, by a convention or primary election held by the party or organization in accordance with its constitution and bylaws, as many electors of President and Vice President of the United States as this state is entitled to elect.

(2) The certificate of nomination by such a convention or primary election shall be in writing, shall contain the name of each person nominated, his residence and the office to which he is nominated, and shall designate a title for the party or principle that such convention or primary election represents, together with any simple figure or device by which its list of candidates may be designated on the voting machines. The certificate shall be signed by the presiding officer and secretary of the convention, or by the chairman and secretary of the county, city or district committee, who shall add to their signatures their respective places of residence, and acknowledge the same before an officer duly authorized to administer oaths. A certificate of the acknowledgement shall be appended to the certificate of nomination. In the case of electors of President and Vice President of the United States the certificate of nomination shall state the names of the candidates of the party for President and Vice President.

(3) If the certificate of nomination of any state convention requests that the figure or device selected by such convention be used to designate the candidates of such party on the voting machines for all elections throughout the state, that figure or device shall be used until changed by request of a subsequent state convention of the same party. The device may be any appropriate symbol other than the coat of arms or seal of this state or of the United States, the National Flag, or any other emblem common to the people at large.

(4) In case of death, resignation or removal of any such candidate subsequent to nomination and before the ballot labels are printed, the chairman of the state, county or city district committee shall fill the vacancy, unless a supplemental certificate or petition of nomination is filed. In the case of electors of President and Vice President of the United States, a vacancy may be filled by the chairman of the state committee at any time before the meeting of the electors, whether the vacancy occurs before or after the election.

(5) If any political party entitled to nominate by convention fails to do so, the names of all nominees by petition for any office who are designated in their petition as members and candidates of that party shall be printed under the device and title on the voting machines as if nominated by a convention. If two or more persons who have filed certificates of nomination under this section claim to be the nominee of the same political party, the governing authority of that party shall designate to the Secretary of State and county clerk, in writing, which of the candidates is entitled to the party emblem. If there are two or more contending executive committees of the same party in the county or district, the county or district executive committee that is recognized by the state governing authority of the party, by the written certificate of its chairman, shall be recognized by the Secretary of State and county clerk.

Section 119. A new section of KRS Chapter 118 is created to read as follows:

If any certificate or petition of nomination made under the provisions of this chapter contains the name of more than one candidate for any office to be filled, neither name shall be printed as a candidate for that office. Except as provided in Section 104 of this Act with respect to candidates for judicial offices, if any person has been nominated as a candidate for any office by primary election or by party convention, and also by petition, his name shall be placed in the list of candidates nominated by the primary or convention, and the place occupied by his name in the petition shall be left blank, unless the candidate makes written request, prior to the last day for filing evidences of nomination, that his name be printed as nominated by petition and be omitted from the list nominated by the primary or convention.

Section 120. A new section of KRS Chapter 118 is created to read as follows:

(1) No candidate who has been defeated for the nomination for any office in a primary election, except a candidate for judge of the Court of Appeals or judge of the circuit court, shall have his name placed on voting machines in the succeeding regular election as a candidate for the same office for the nomination to which he was a candidate in the primary election, except that if a vacancy occurs in the party nomination for which he was a candidate in the primary election his name may be placed on voting machines for the regular

election as a candidate of that party if he has been duly made such party nominee after the vacancy occurs as provided in Section 100 of this Act.

(2) No person who was a candidate for nomination for any office in a primary election and who, before the succeeding regular election, is declared by the judgment of any court of competent jurisdiction to have violated, in the primary election, any provision of KRS Chapter 120, or to be responsible for such violation by others, shall have his name placed on voting machines for any office to be voted for in the succeeding regular election.

Section 121. A new section of KRS Chapter 118 is created to read as follows:

(1) Certificates and petitions of nomination shall, in the case of candidates voted for by the state at large or by a district greater than one county, be filed with the Secretary of State. In the case of candidates voted for by a county or by a district less than a county, they shall be filed with the county clerk. Provided however, in the case of candidates for Congress and for General Assembly, they shall be filed with the Secretary of State.

(2) Certificates of nomination at a primary election held under this chapter shall be filed by the State Board of Elections or the county board of elections, depending upon which one issued the certificate. Certificates and petitions of nomination shall be filed by the candidate or by someone on his behalf.

Section 122. A new section of KRS Chapter 118 is created to read as follows:

(1) Certificates of nomination issued by the State Board of Elections shall be filed by that board with the Secretary of State immediately. Such certificates issued by the county board of elections shall be filed by that board with the county clerk immediately.

(2) Certificates of nomination made by the governing authority of a party to fill vacancies in office, as provided in Section 101 of this Act, shall, when required to be filed with the Secretary of State, be filed not less than fifty-five days before the day fixed by law for the election of the person in nomination. When required to be filed with the county court clerk, they shall be filed not less than fifty-five days before the day fixed by law for the election of the person in nomination.

(3) Except as provided in subsection (4) of this section, petitions and certificates of nomination, when required to be filed with the Secretary of State, shall be filed not less than fifty-five days before the day fixed by law for the holding of primary elections. When required to be filed with the county court clerk, they shall be filed not less than fifty-five days before the day fixed by law for holding of primary elections.

(4) Petitions and certificates of nomination for the nomination of candidates for city offices or of candidates for members of boards of education shall be filed not less than fifty-five days before the day fixed by law for the election of the person in nomination. Petitions and certificates of nomination for electors of President and Vice President of the United States shall be filed with the Secretary of State not less than fifty-five days prior to the date fixed by law for the election of such electors.

Section 123. A new section of KRS Chapter 118 is created to read as follows:

Where a vacancy occurs in any elective office less than seventy days before the primary or at any time after the primary, but not less than three months before the general election, independent candidates may file their petitions at the time and place provided for in Section 122 of this Act.

Section 124. A new section of KRS Chapter 118 is created to read as follows:

The Secretary of State and county clerks shall preserve in their respective offices all certificates and petitions of nomination filed therein, for six months after the election for which the nominations were made.

Section 125. A new section of KRS Chapter 118 is created to read as follows:

(1) The names of the candidates for the offices of judge of the Court of Appeals and circuit judge shall be placed on the voting machine at the regular election in a column or line headed or preceded by the words "Judicial Ballot," in such a manner that the casting of a vote for all of the candidates of one party as contemplated by subsection (3) of Section 26 of this Act will not operate to cast a vote for such judicial candidates. When voting machines are not used, the names of such judicial candidates shall be designated by the name of the political party by which he was nominated, or if an independent, by the designation specified in his nominating petition.

(2) The names of the candidates shall be arranged in such order as may be determined by lot by the State Board of Elections.

Section 126. A new section of KRS Chapter 118 is created to read as follows:

No candidate's name shall appear on any voting machine or special ballot more than once except as provided in Section 104 of this Act.

Section 127. A new section of KRS Chapter 118 is created to read as follows:

(1) Whenever an amendment to the Constitution has been proposed by the General Assembly, the Secretary of State shall cause the text of the proposed amendment to be published at least four times in two newspapers of general circulation published in this state, and shall also cause to be published at the same time and in the same manner the fact that the amendment will be submitted to the voters for their acceptance or rejection at the next regular election at which members of the General Assembly are to be voted for. The publication shall be made so that the last publication will be at least ninety days preceding the election at

which the amendment is to be voted on.

(2) The Attorney General shall state the substance of the amendment in the form of a question in a manner calculated to inform the electorate of the substance of the amendment, and shall certify the question to the State Board of Elections to be placed on the voting machine. The State Board of Elections, not less than fifty days before the next regular election at which members of the General Assembly are to be chosen, shall certify the substance of the amendment, as stated and certified by the Attorney General, to the county clerk of each county, and the county clerk shall have the substance of the amendment, as so certified, indicated on the voting machines.

(3) The votes cast for and against the amendment shall be counted, canvassed and certified to the State Board of Elections in the same manner as the votes cast for any officer elective by the votes of the whole state. If a majority of the votes cast on the question are for the amendment, it shall become a part of the Constitution. The result of the vote shall be published by the Secretary of State pursuant to KRS Chapter 424.

(4) The expenses of the publications provided for in this section shall be paid as are the expenses of other publications that the Secretary of State is required to make in connection with elections.

Section 128. A new section of KRS Chapter 118 is created to read as follows:

(1) The State Board of Elections shall issue certificates of election where the successful candidate was voted for by the state at large or by a district greater than one county, or was a candidate for member of Congress or the General Assembly.

(2) The County Board of Elections shall issue certificates of election where the successful candidate was voted for by the electors of one county, or of a district less than one county, except members of Congress and members of the General Assembly. The Board shall forward the certificate to the elected candidate unless he has failed to comply with KRS Chapter 120. If the Board finds that two or more candidates have received the highest and equal number of votes for the same office, the Board shall determine by lot which of the candidates is elected.

(3) In the case of offices voted for by the State at large or by a district greater than one county, and for members of Congress and members of the General Assembly, and in the case of public questions submitted to the vote of the people of the State at large or of a district greater than one county, the County Board of Elections shall make out duplicate certificates of the total number of votes received by each of the candidates for such office and the total number of votes for and against each of such questions. The Clerk shall keep one of the certificates in his office, he shall not later than three days after receiving such certificate from the Board, forward the other certificate by mail to the Secretary of State who shall deliver it to the State Board of Elections.

(4) The State Board of Elections shall meet, to count and tabulate the votes received by the different candidates as certified to the Secretary of State, when the returns are all in, or on the second Monday after the election whether they are in or not, but if all the returns are not made, the right to contest an election shall not be impaired. Any two of the members of the board may act in the absence of the third. The board shall make out the certificates of election in the office of the board, from the returns made. The board shall make out duplicate certificates of election, in writing, over the signatures of its members. The board shall forward the original certificate, by mail, to the elected candidate, unless he has failed to comply with KRS Chapter 120. The duplicate shall be retained in the office of the board. In the case of the election of a Representative in Congress, an additional certificate shall be made and sent, by mail, to the clerk of the House of Representatives.

(5) The State Board of Elections, immediately after the comparison of the returns, shall cause a statement therefrom of the votes given in every county for each candidate to be published pursuant to KRS Chapter 424.

(6) The certificate of election shall be issued to the candidate receiving the highest number of votes in the territory from which the election is to be made. If two or more persons are found to have received the highest and an equal number of votes for the same office, the election shall be determined by lot in such manner as the board directs, in the presence of not less than three other persons. In the case of elections for electors of President and Vice President of the United States, the board shall issue a certificate of election to each elector of the political party or organization whose candidates for President and Vice President received the highest number of votes and the determination by the board that the candidates of any political party or organization for President and Vice President have received the highest number of votes shall constitute a determination that the electors nominated by that party have been elected.

Section 129. A new section of KRS Chapter 118 is created to read as follows:

The election of electors of President and Vice President of the United States shall be held on the Tuesday next after the first Monday in November every four (4) years, beginning with 1892. The governor may, by proclamation, appoint the same day in any other year, pursuant to act of congress, for holding the election, in the event of a vacancy in the offices of president and vice president.

Section 130. A new section of KRS Chapter 118 is created to read as follows:

The electors of President and Vice President of the United States shall convene at the state capitol, at 10:00 a. m. on the first Monday after the second Wednesday in December next after their election, give their votes at or after 12:00 noon, and make return thereof according to law. If any elector fails to attend by 12:00 noon, on the day of the meeting, those in attendance shall fill his place by the election of another person, who shall have the same powers as if originally elected by the people.

Section 131. A new section of KRS Chapter 118 is created to read as follows:

Each elector of President and Vice President of the United States, for each day he attends at the state capitol as an elector, shall receive the same per diem and mileage as may at the time be allowed to members of the general assembly, to be paid out of the state treasury.

Section 132. A new section of KRS Chapter 118 is created to read as follows:

One (1) United States senator shall be elected at the regular November election every six (6) years beginning with 1914, and one (1) shall be elected at the regular November election every six (6) years beginning with 1918, to succeed the senator whose term will expire the succeeding year. The election for United States senator shall be held and the result shall be ascertained and certified in the same manner as the elections for state officers. After the returns have been canvassed, the governor shall certify the election of the person elected to the President of the Senate of the United States. The certificate shall be under the seal of the state and shall be countersigned by the secretary of state. All electors who are eligible to vote for representatives in congress shall be eligible to vote for United States senator, and the person receiving the highest number of votes shall be declared elected.

Section 133. A new section of KRS Chapter 118 is created to read as follows:

The election of representatives in congress shall be held on the Tuesday next after the first Monday in November in every even numbered year.

Section 134. A new section of KRS Chapter 118 is created to read as follows:

The Commonwealth is divided into seven congressional districts composed as follows:

(1) First District: Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Todd, Trigg, Union and Webster Counties; that part of the County of Ohio contained within the following voting precincts: Numbers 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17.

(2) Second District: Allen, Anderson, Barren, Breckinridge, Bullitt, Daviess, Edmonson, Grayson, Hancock, Hardin, Hart, Larue, Marion, Meade, Nelson, Simpson, Spencer, Warren and Washington Counties and that part of the County of Ohio contained within the following voting precincts: Numbers 1, 2, 3, 5, 10, 18 and 19.

(3) Third District: That part of the County of Jefferson contained within the following voting precincts: First Ward of Louisville in its entirety; Second Ward of Louisville 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34; Third Ward of Louisville in its entirety; Fourth Ward of Louisville in its entirety; Fifth Ward of Louisville in its entirety; Sixth Ward of Louisville 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32; Seventh Ward of Louisville 2, 3A, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23; Eighth Ward of Louisville in its entirety; Ninth Ward of Louisville in its entirety; Tenth Ward of Louisville in its entirety; Eleventh Ward of Louisville in its entirety; Twelfth Ward of Louisville in its entirety; A District 17, 39; B District 1, 2, 8, 10, 11, 12, 13, 15, 16, 18, 25, 30, 32, 40, 42, 48, 49, 54, 57, 58, 63, 67; C District 1, 2, 3, 4, 5, 9, 10, 12, 13, 15, 16, 20, 22, 25, 26, 27, 28, 29, 32, 35, 36, 37, 38, 39, 41, 48, 49, 51, 52, 59, 62, 63, 67, 68, 71, 72, 76, 77, 80, 82, 83, 86, 92, 93.

(4) Fourth District: Boone, Carroll, Gallatin, Oldham, and Trimble Counties; that part of the County of Jefferson contained within the following voting precincts: Second Ward of Louisville 35, 36, 38; Sixth Ward of Louisville 31; Seventh Ward of Louisville 18; A District 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81; B District 3, 4, 5, 6, 7, 9, 14, 17, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 31, 33, 34, 35, 36, 37, 38, 39, 41, 43, 44, 45, 46, 47, 50, 51, 52, 53, 55, 56, 59, 60, 61, 62, 64, 65, 66, 68, 69, 70; C District 6, 7, 8, 11, 14, 17, 18, 19, 21, 23, 24, 30, 31, 33, 34, 40, 42, 43, 44, 45, 46, 47, 50, 53, 54, 55, 56, 57, 58, 60, 61, 64, 65, 66, 69, 70, 73, 74, 75, 78, 79, 81, 84, 85, 87, 88, 89, 90, 91, 94; that part of the County of Kenton contained within the following voting precincts: the City of Covington in its entirety; Ludlow 1, 2, 3, 4, 5; Bromley; Villa Hills 1, 2; Crescent Springs; Erlanger 3, 4, 5, 6, 7, 8, 9; Edgewood 1, 2, 3; Crestview; Lakeside Park 1, 2, 3; Ft. Mitchell 1, 2, 3, 4, 5, 6; Ft. Wright 1, 2, 3, 4, 5; Park Hills 1, 2, 3; that part of the County of Campbell contained within the following voting precincts: the City of Bellevue in its entirety; the City of Dayton in its entirety; the City of Ft. Thomas in its entirety; the City of Newport in its entirety; the City of Woodlawn in its entirety.

(5) Fifth District: Adair, Bell, Casey, Clay, Clinton, Cumberland, Estill, Garrard, Green, Harlan, Jackson, Knox, Laurel, Lee, Leslie, Lincoln, McCreary, Madison, Metcalfe, Monroe, Owsley, Pulaski, Rockcastle, Russell, Taylor, Wayne and Whitley Counties; that part of the County of Jessamine contained

within the following voting precincts: No. 3 Bethel; No. 4 North Wilmore; Keene 5B; Marble Creek 7B, Sulphur Well No. 8; Little Hickman No. 9; No. 10 High Bridge; No. 12 South Wilmore; that part of the County of Letcher contained within the Eolia voting precinct.

(6) Sixth District: Bourbon, Boyle, Clark, Fayette, Franklin, Grant, Harrison, Henry, Mercer, Owen, Pendleton, Shelby, Scott and Woodford Counties; that part of the County of Jessamine contained within the following voting precincts: Woods 1A, Woods 1B, Courthouse 2A, Courthouse 2B, Keene 5A, No. 6, Marble Creek 7A, South Nicholasville 11A, South Nicholasville 11B; that part of the County of Kenton which is not included in the Fourth Congressional District; that part of the County of Campbell which is not included in the Fourth Congressional District.

(7) Seventh District: Bath, Boyd, Bracken, Breathitt, Carter, Elliott, Fleming, Floyd, Greenup, Johnson, Knott, Lawrence, Letcher (except Eolia precinct), Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Perry, Pike, Powell, Robertson, Rowan and Wolfe Counties.

Section 135. A new section of KRS Chapter 118 is created to read as follows:

Unless the context requires otherwise, any reference in Section 134 of this Act to a county, city, ward, or district or precinct means that county, city, ward, district or precinct as its boundaries existed on January 4, 1972.

Section 136. A new section of KRS Chapter 118 is created to read as follows:

As used in Sections 137 to 146 in this Act, "political party" means each political party that cast 10 percent or more of the vote for governor in the preceding election, or has a registration equal to 10 percent or more of the total registered voters in the commonwealth.

Section 137. A new section of KRS Chapter 118 is created to read as follows:

(1) On the regular primary election day, in accordance with Section 98 of this Act in each presidential election year, the Commonwealth of Kentucky shall conduct presidential preference primary elections within each political party.

(2) Hours of voting shall be in accordance with Section 99 of this Act.

(3) The cost of election, officials, and the entire method of conducting the presidential preference primary shall be in accordance with Kentucky statutory provisions on primary elections.

Section 138. A new section of KRS Chapter 118 is created to read as follows:

To qualify to vote in a presidential preference primary in the commonwealth a voter must register to vote in the same manner as prescribed in KRS Chapter 16. A voter shall vote only in the presidential preference primary of the political party for which he has declared a preference, as required by Section 5 of this Act.

Section 139. A new section of KRS Chapter 118 is created to read as follows:

The State Board of Elections shall convene in Frankfort 55 days before the date fixed by law for the holding of primary elections. At the meeting required by this section, the board shall nominate as presidential preference primary candidates all those generally advocated and nationally recognized as candidates of the political parties for the office of President of the United States. Immediately upon completion of this requirement, the board shall transmit a list of all such nominees selected to the Secretary of State and shall also release the list to the news media.

Section 140. A new section of KRS Chapter 118 is created to read as follows:

(1) Any person seeking the endorsement by a political party for the office of President of the United States who has not been nominated by the State Board of Elections, or any group organized in this state on behalf of, and with the consent of, such person, may file with the Secretary of State certified petitions signed by 1,000 persons who, at the time they sign are registered and qualified voters in this Commonwealth and are affiliated, by such registration, with the same political party as the candidate for whom petitions are filed.

(2) Such petitions shall be filed by the petitioners with the Secretary of State no later than 45 days before the date fixed by law for the holding of the primary election.

(3) The petitions must state:

(a) The name of the candidate for nomination and the party of which he is a member;

(b) The name and address of the chairman of the group circulating such petition.

(4) The Secretary of State shall forthwith determine the sufficiency of petitions filed with him and shall immediately communicate his determination to the chairman of the group which has filed said petitions.

Section 141. A new section of KRS Chapter 118 is created to read as follows:

(1) The Secretary of State shall forthwith contact each person who has been nominated by the State Board of Elections or by petition and notify him in writing by registered mail with return receipt requested, that his name will appear as a candidate on the Kentucky presidential primary ballot of his party, provided that he:

(a) Deposits with the Secretary of State the sum required by Section 142 of this Act; and

(b) Forwards to the Secretary of State a notice of candidacy form to be supplied by the Secretary of State along with the written notification required by this section.

(2) Failure of a candidate to deposit the fee required by Section 142 of this Act and to execute the notice of candidacy within 15 days after receipt of the written notification shall be a disclaimer and a withdrawal of his name from the primary.

Section 142. A new section of KRS Chapter 118 is created to read as follows:

(1) Before any candidate's name is placed upon the official ballot by the Secretary of State for a presidential preference primary in the Commonwealth the candidate must deposit with the Secretary of State the sum of two hundred and fifty dollars, which shall be refunded to the candidate by the Secretary of State if the candidate receives three percent or more of the total vote cast in the presidential preference primary of his political party.

(2) If the candidate fails to receive three percent or more of the total popular vote cast in the presidential preference primary of his party, the two hundred and fifty dollar deposit shall escheat to the Commonwealth and be placed in a special trust and agency fund to be used by the Secretary of State to defray election expenses.

Section 143. A new section of KRS Chapter 118 is created to read as follows:

(1) The Secretary of State shall place the names of all candidates who have been nominated by the State Board of Elections or by petition and who satisfy the requirements of Sections 141 and 142 of this Act on the official presidential preference primary ballot of their respective political parties.

(2) If no presidential candidates nominated by the board or by petition meet the requirements of Sections 141 and 142 of this Act, then no presidential preference primary shall be held in the Commonwealth.

Section 144. A new section of KRS Chapter 118 is created to read as follows:

Upon completion of the official canvass of the results of the primary by the State Board of Elections, the Secretary of State shall certify to the state chairman of each political party participating in the presidential preference primary the following:

(1) The names of the candidates entitled to delegate votes under provisions of Section 145 of this Act;

(2) The total vote received by each;

(3) A declaration that the results of the presidential preference primary, in accordance with the division of votes reflected by the official canvass, shall be the official vote cast by each political party at its national convention, on the first ballot only, and shall be designated by Sections 129 to 146 of this Act as an automatic vote, expressing the will of the people of the Commonwealth of Kentucky; and

(4) After the vote on the first ballot by the political party at its national convention, as required by this section, all responsibility under Sections 129 to 146 of this Act shall terminate and further balloting shall be the prerogative of the political parties as might be prescribed by the rules of such political parties.

Section 145. A new section of KRS Chapter 118 is created to read as follows:

The four candidates receiving the highest number of votes, or all candidates if there are fewer than four participating in the primary, provided each candidate receives at least fifteen percent of the total vote cast by his political party, shall be awarded a pro rata portion of the authorized delegate vote of his political party as follows:

(1) The total vote received by the candidates qualifying under the provisions of Sections 129 to 146 of this Act and subsections herein shall, when combined, be equal to one hundred percent;

(2) Each such candidate shall share in the total percentage in direct proportion to the total vote received by him, mathematically determined to be the percentage of the aggregate vote which represents one hundred percent;

(3) Each political party shall appropriate such percentage, as is determined by this section, to the total number of delegate votes as are allotted by the national committee of each party; and

(4) Each political party shall, on the first ballot at its national convention, cast this Commonwealth's vote for the candidates as determined by the primary and calculated under this section. Provided, however, that in the event of the death or withdrawal of a candidate receiving votes under this section prior to the tabulation of the first ballot, any delegate votes allocated to such candidate shall be considered uncommitted. Withdrawal shall mean notice in writing by the candidate to the chairman of the Kentucky delegation prior to the first ballot.

Section 146. A new section of KRS Chapter 118 is created to read as follows:

It shall be the responsibility of the state chairman of each political party to notify his party's national committee no later than January 30 of each year in which such presidential primary shall be conducted of the provisions contained herein relating to the automatic vote on the first ballot as required under Sections 129 to 146 of this Act.

Section 147. A new section of KRS Chapter 118 is created to read as follows:

Except as provided in Section 168 of this Act, when a vacancy happens in the office of governor, requiring an election, a proclamation therefor shall be issued by the chief justice of the Court of Appeals, or if he is absent from the state or unable to act, by one (1) of the associate justices. The proclamation shall be published pursuant to KRS chapter 424.

Section 148. A new section of KRS Chapter 118 is created to read as follows:

When an election is to be held to fill a vacancy in the office of representative in congress, a proclamation therefor, in lieu of a writ of election, shall be issued and signed by the governor. The proclamation shall be published pursuant to KRS chapter 424.

Section 149. A new section of KRS Chapter 118 is created to read as follows:

When a vacancy occurs in either house of the general assembly during its session, the presiding officer of the house in which the vacancy occurs shall issue a writ of election; if the general assembly is not in session, the writ shall be issued by the governor. The writ shall be signed by the officer issuing it, shall designate the day for holding the election, and shall be directed to the proper sheriff or sheriffs.

Section 150. A new section of KRS Chapter 118 is created to read as follows:

A copy of a proclamation issued under Section 148 of this Act shall be forwarded by mail to the sheriff of each county in the district in which the election is to be held, at least twenty days before the election. A writ of election issued under Section 149 of this Act shall be forwarded by mail to the sheriff of each county in which the election is to be held, in sufficient time to enable the sheriff to give notice of the election at least fifteen days before the day of election, and no such writ shall be issued unless it will enable the sheriff to give such notice. If, from any cause, the sheriff cannot properly act, he shall immediately hand the writ or proclamation to the person authorized to act in his place.

Section 151. A new section of KRS Chapter 118 is created to read as follows:

Immediately on receipt of a proclamation or writ of election, or other sufficient information thereof, the sheriff shall give notice thereof by publication pursuant to KRS chapter 424 and by handbills posted at the courthouse door and at the several places of voting.

Section 152. A new section of KRS Chapter 118 is created to read as follows:

Nominations by political parties, as defined in Section 97 of this Act, to fill vacancies at special elections to be held on days other than the regular election, shall be made in such manner as may be determined by the governing authority of the party in the territory in which the election is to be held.

Section 153. A new section of KRS Chapter 118 is created to read as follows:

When a writ of election is issued to fill a vacancy in the office of member of the General Assembly or the office of member of Congress, petitions and certificates of nomination may be filed ten days before the day of election, and if filed with the Secretary of State shall be immediately certified by him to the proper county clerks.

Section 154. A new section of KRS Chapter 118 is created to read as follows:

(1) Any qualified voter who has not been declared incompetent by a court of competent jurisdiction, and who, on account of age, infirmity or illness, is not able to appear at the polls on election day may vote in the following manner. At least seven (7) days prior to the date of the election, he shall present to the clerk by mail his verified statement that his inability to appear is due to age, infirmity, or illness, and a verified statement of a physician corroborating the voter's statement. The clerk shall immediately mail to the voter a special ballot, and envelopes and the voter shall cast his vote in the same manner as provided for the absent voter in Sections 155 and 47 of this Act.

(2) Special ballots cast by disabled persons shall be tabulated in the same manner as are special ballots cast by absent voters.

Section 155. A new section of KRS Chapter 118 is created to read as follows:

(1) Any qualified voter in any county who expects to be absent from the county on any election day may, at any time not less than seven days before the election, make application in person or by mail to the county clerk for a special ballot. The application form shall be in the form prescribed by the State Board of Elections and shall contain the following information: name, address, precinct, party affiliation, statement of expected absence on election day and mailing address for special ballot. The form shall be verified and signed by the voter.

(2) If the county clerk finds that the voter is properly registered as stated in his application, he shall immediately mail to the voter a special ballot, two official envelopes for returning the ballot, and instructions for voting. The outer envelope shall provide space for the voter's signature, voting address and precinct number. The clerk shall type the voter's address and precinct number in the upper left hand corner of the absent voter's outer envelope immediately below the blank space for the voter's signature. The inner envelope shall be blank. The clerk shall retain the application until 30 days after the election.

(3) A list of persons to whom absent ballots are mailed shall be posted in the clerk's office, for public inspection, and a list shall be included in the supplies sent to each precinct on election day. No person who has been mailed an absent voter's ballot shall be allowed to vote at the precinct on election day.

Section 156. A new section of KRS Chapter 118 is created to read as follows:

(1) Any person who violates any of the provisions of Section 103 of this Act shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500), or confined in the county jail for not less than thirty (30) days nor more than ninety (90) days, or both.

(2) If the secretary of state violates any of the provisions of subsection (2) of Section 111 of this Act he shall be confined in the penitentiary for not less than one (1) year nor more than three (3) years.

(3) Any person who violates subsection (5) of Section 107 of this Act shall be fined not less than twenty dollars ($20.00) nor more than five hundred dollars ($500) or imprisoned in the county jail for not less than one (1) month nor more than six (6) months, or both, and may also be proceeded against for contempt.

(4) If any county clerk violates any of the provisions of subsection (4) of Section 116 of this Act, or if the secretary of state violates any of the provisions of subsection (2) of Section 125 of this Act he shall be confined in the penitentiary for not less than one (1) year nor more than three (3) years.

Section 157. A new section of KRS Chapter 119 is created to read as follows:

In any contest over the nomination or election of any state, county, city or district officer, it may be alleged in the pleadings of the contestant that the provisions of Sections 179, 181, 182 or 193 of this Act, have been violated by the contestee or by others in his behalf with his knowledge, and it may likewise be alleged in the pleadings of the contestee that such provisions have been violated by the contestant or by others in his behalf with his knowledge. If it appears upon the trial of the contest that such provisions have been violated by the contestant or by others in his behalf with his knowledge, the contest action shall be dismissed and the contestant shall have no further right to maintain the same. If no such violation by the contestant, or by others in his behalf with his knowledge, appears, and it appears that such provisions have been violated by the contestee or by others in his behalf with his knowledge, the nomination or election of the contestee shall be declared void. In the case of primary elections, if any candidate who is a party to the contest proceedings has not violated the provisions of Sections 179, 181, 182 or 193 of this Act, and all candidates who received more votes than he did are also parties and are found to have violated those provisions, such candidate shall be declared nominated.

Section 158. A new section of KRS Chapter 119 is created to read as follows:

Any candidate for nomination to office at a primary election held under the provisions of Sections 97 to 115 of this Act, for whom a number of votes was cast equal to not less than fifty per cent (50%) of the votes cast for the successful candidate for nomination to such office, may contest the right of the successful candidate, and of any other candidate for nomination to such office, to such nomination, by filing a petition in the circuit court within fifteen (15) days from the day of the primary election, stating the specific grounds relied upon for the contest, and causing a summons to be issued, returnable in ten (10) days. In the case of candidates for offices for the state at large, the petition shall be filed in the Franklin Circuit Court; in the case of other candidates it shall be filed in the circuit court of the county in which the contestee resides. The summons may be personally served on the contestee in any county, or it may be served by leaving a copy at his home with a member of his family over sixteen (16) years of age, or by posting a copy on the door of his residence. The contestee shall file his answer within ten (10) days after service of summons. The answer may contain grounds of contest in favor of the contestee and against the contestant, but the grounds must be specifically set out. Any candidate who would have been qualified to bring a contest action under this section, who is a party to a recount proceeding brought under Section 162 of this Act, may, by filing an answer in the recount proceeding within the time allowed by this section for filing grounds of contest, set forth grounds of contest against the petitioner in the recount proceeding. No ground of contest by either party shall be filed or made more definite by amendment after the expiration of the time allowed by this section for filing the original pleading. The contestant may file a reply within five (5) days after answer is filed, which shall complete the pleading, and any affirmative matter in the reply shall be treated as controverted. Upon return of the summons, properly executed, to the office of the circuit clerk of the county in which the action is pending, the clerk shall immediately docket the cause and notify the presiding judge of the court that the contest has been instituted, and the judge shall proceed to a trial of the cause within five (5) days after the issue was joined. In circuit court districts having more than one (1) circuit judge the judge who shall hear the cause shall be determined by lot.

Section 159. A new section of KRS Chapter 119 is created to read as follows:

Each party to a contest instituted under Section 158 of this Act shall be entitled, in the production of evidence to be used on the trial thereof, to all the remedies allowed in cases at law and in equity. In trying the contest the court shall hear and determine all questions of law and fact without the intervention of a jury, and may examine the witnesses orally or require or permit the parties to take the evidence by depositions. If the evidence is taken orally either party may require it to be taken by the official reporter for the court, to be taken and transcribed and paid for as evidence in other civil actions. The court may require the contestant, or the person who has the burden of proof under the issue joined, to complete his proof in not less than fifteen (15) days after service of summons, and the contestee, or the person not having the burden, to complete his proof in not less than ten (10) days filing an answer. Each party may be given one (1) day additional for producing evidence in rebuttal and no greater time shall be extended, unless the court is satisfied that the ends of justice demand it. The court shall, immediately after the evidence is concluded, consider the contest and determine it. If it appears from an inspection of the whole record that there has been such fraud, intimidation, bribery or violence in the conduct of the election that neither contestant nor contestee can be

adjudged to have been fairly nominated, the court may adjudge that there has been no election, in which event the nomination shall be deemed vacant. The judgment of the court shall be filed in the office of the circuit court clerk, and shall have the same force and effect as a judgment rendered by the court in term time.

Section 160. A new section of KRS Chapter 119 is created to read as follows:

(1) Any party may appeal to the Court of Appeals from a judgment entered under Section 159 of this Act. The appeal shall be in accordance with the Rules of Civil Procedure, except that the notice of appeal shall be filed and a supersedeas bond executed in the circuit court, and the record shall be filed in the Court of Appeals, within ten (10) days after the entry of the judgment. The entire original record shall be filed and no designation of record shall be required.

(2) Upon the filing of the record, the clerk of the Court of Appeals shall immediately deliver it to the chief justice, and the contest shall have precedence over all other business and causes then pending in the Court of Appeals and shall be heard and disposed of as speedily as the exigencies of the case will permit. If the Court of Appeals is in vacation at the time the record is filed, the chief justice shall call together the judges or a majority thereof, who shall hear and determine the appeal in the same manner and with the same effect as if heard and tried by the court in regular session.

(3) The Court of Appeals in its discretion may issue its mandate forthwith after rendering its decision, but it shall be without prejudice to the right of the losing party to file a petition for rehearing or the power of the court to recall the mandate should the petition be sustained.

(4) If the judgment is reversed and the case remanded for trial or further action, the proceedings shall continue in the circuit court in like manner as when originally filed, beginning ten (10) days after the filing of the mandate with notice to the adverse party.

Section 161. A new section of KRS Chapter 119 is created to read as follows:

In the case of offices for which certificates of nomination are required to be filed with the secretary of state, the result of the final judgment in the contest of a primary election shall be certified to the secretary of state; in the case of offices for which certificates of nomination are required to be filed with the county clerk, the result shall be certified to the county clerk. The secretary of state shall certify to the proper county clerks the names of the candidates awarded nominations as certified to him by the court, and the county clerk shall place upon the ballots for the regular election the names of the candidates so certified to him by the secretary of state and the names of the candidates awarded nominations as certified to him by the court, in place of the candidates whose nominations were successfully contested.

Section 162. A new section of KRS Chapter 119 is created to read as follows:

(1) Any candidate who was voted for at a primary election held under Sections 97 to 115 of this Act may request a recount of the ballots by filing a petition so requesting, with the same court that contest petitions are required to be filed with, within fifteen (15) days after the day of the primary election, or, if such candidate is qualified to bring a contest proceeding under Section 158 of this Act, by including a request for a recount in his petition instituting the contest proceedings, and any candidate who is a contestee in a contest proceeding under Section 158 of this Act may request a recount in his answer filed in the contest proceeding, but in such case the answer must be filed within five (5) days after the service of process on the petition. When a request for a recount is made the election commissioners whose duty it is to issue certificates shall be made parties defendant. The party requesting the recount must execute bond with approved surety for the costs of the recount, in an amount to be fixed by the circuit judge. Upon the bond being filed, the clerk shall immediately notify the circuit judge of the request and the filing of the bond, and the judge shall at once enter an order directing the ballots, boxes and all papers pertaining to the election to be transferred to the circuit court, and fix a day for the recount proceedings to begin. A copy of the order shall be served upon the parties or their counsel in the same manner as notices are required to be served, which shall be deemed sufficient notice of the proceeding. On the day fixed, the court or judge in vacation shall proceed to recount the ballots if their integrity is satisfactorily shown and shall complete the recount as soon as practicable, and file and enter of record the results thereof, and direct the election commissioners whose duty it is to issue the certificates to issue the same to the party entitled thereto as shown by the recount.

(2) Any party may appeal from the judgment to the Court of Appeals, in the same manner as provided in Section 160 of this Act, all of the provisions of which statute shall be applicable.

(3) If a proceeding for recount is asked and prosecuted in a contest proceeding, it shall not await the preparation or trial of the contest in the circuit court or in the Court of Appeals. The action of the courts shall be final, concluding the parties as to the question of a recount of the ballots, and certificates shall then be issued to the parties entitled thereto.

Section 163. A new section of KRS Chapter 119 is created to read as follows:

Any candidate for election to any state, county, district or city office (except the office of governor, lieutenant governor, member of the general assembly, and those city offices as to which there are other provisions made by law for determining contest elections), for whom a number of votes was cast equal to not less than twenty-five per cent (25%) of the number of votes cast for the successful candidate for the office, may contest the election of the successful candidate, by filing a petition in the circuit court of the county where the

contestee resides, unless the officer is one (1) elective by the voters of the whole state, in which case the petition shall be filed in the Franklin Circuit Court. The petition shall be filed and process issued within thirty (30) days after the day of election; it shall state the grounds of the contest relied on, and no other grounds shall afterwards be relied upon. The contestee shall file an answer within twenty (20) days after the service of summons upon him. The answer may consist of a denial of the averments of the petition and may also set up grounds of contest against the contestant; if grounds are so set up they shall be specifically pointed out and none other shall thereafter be relied upon by the party. Any candidate who would have been qualified to bring a contest action under this section, who is a party to a recount proceeding under Section 166 of this Act, may, by filing answer in the recount proceeding within the time allowed by this section for filing grounds of contest, set forth grounds of contest against the petitioner in the recount proceeding. A reply may be filed within ten (10) days after the answer is filed; its affirmative allegations shall be treated as controverted, and no subsequent pleading shall be allowed.

Section 164. A new section of KRS Chapter 119 is created to read as follows:

(1) A contest instituted under Section 163 of this Act shall proceed as equity actions. Upon return of the summons properly executed to the office of the circuit clerk, he shall immediately docket the case and notify the presiding judge of the court that the contest has been filed. The judge shall proceed to a trial of the cause without delay. In courts having more than one (1) judge, the judge who shall try the case shall be determined by lot. The court may be convened at any time, irrespective of the regular term, for the purpose of trying the case or any proceeding therein and shall complete the same as soon as practicable. The action shall have precedence over all other cases.

(2) The evidence in chief for the contestant shall be completed within thirty (30) days after service of summons; the evidence for the contestee shall be completed within twenty-five (25) days after filing of answer, and evidence for contestant in rebuttal shall be completed within seven (7) days after the contestee has concluded; Provided That for cause the court may grant a reasonable extension of time to either party.

(3) All ballots, stub books and other papers concerning which there is any ground for contest may be removed to the court in which the action is pending.

(4) If it appears from an inspection of the whole record that there has been such fraud, intimidation, bribery or violence in the conduct of the election that neither contestant nor contestee can be judged to have been fairly elected, the circuit court, or the Court of Appeals, on appeal, may adjudge that there has been no election. In that event the office shall be deemed vacant, with the same legal effect as if the person elected had refused to qualify. If one of the parties is adjudged by the court to be elected to the office, he shall, on production of a copy of the final judgment, be permitted to qualify or be commissioned.

Section 165. A new section of KRS Chapter 119 is created to read as follows:

Any party may appeal to the Court of Appeals from a judgment entered under Section 163 of this Act, in the same manner as provided in Section 160 of this Act, all of the provisions of which statute shall be applicable.

Section 166. A new section of KRS Chapter 119 is created to read as follows:

(1) Any candidate who was voted for at a regular election for any of the offices to which Section 163 of this Act applies may request a recount of the ballots by filing a petition so requesting, with the same court that petitions of contest are required to be filed with, within ten (10) days after the day of the election, or, if such candidate is qualified to institute a contest proceeding under Section 163 of this Act, by including a request for a recount in his petition instituting the contest proceedings, but in the latter case the petition must be filed within ten (10) days after the day of the election. Any such candidate who is a contestee in a contest proceeding under Section 163 of this Act may request a recount in his answer filed in the contest proceeding, but only if the answer is filed within ten (10) days after the day of election. If a request for a recount is made, the election commissioners whose duty it is to issue certificates of election shall be made parties defendant. The party requesting the recount must execute bond with approved surety for the costs of the recount, in an amount to be fixed by the circuit judge. Upon the bond being filed, the clerk shall immediately notify the circuit judge of the request and the filing of the bond, and the judge shall at once enter an order directing the ballots, boxes and all papers pertaining to the election to be transferred to the circuit court, and fix a day for the recount proceedings to begin. A copy of the order shall be served upon the parties or their counsel in the same manner as notices are required to be served, which shall be deemed sufficient notice of the proceeding. On the day fixed, the court or judge in vacation shall proceed to recount the ballots if their integrity is satisfactorily shown and shall complete the recount as soon as practicable, and file and enter of record the results thereof, and direct the election commissioners whose duty it is to issue the certificates to issue the same to the party entitled thereto as shown by the recount.

(2) Any party may appeal from the judgment to the Court of Appeals, in the same manner as provided in Section 160 of this Act, all of the provisions of which statute shall be applicable.

(3) If a proceeding for recount is asked and prosecuted in a contest proceeding, it shall not await the preparation or trial of the contest in the circuit court or in the Court of Appeals. The action of the courts shall be final, concluding the parties as to the question of a recount of the ballots, and certificates shall then be

issued to the parties entitled thereto.

Section 167. A new section of KRS Chapter 119 is created to read as follows:

(1) No application to contest the election of a governor, lieutenant governor or member of the general assembly shall be heard unless written notice, signed by the party contesting, is given. The notice shall state the grounds of the contest, and none other shall afterwards be heard as coming from that party, but the contestee may make defense without giving counternotice.

(2) In the case of the governor or lieutenant governor, the notice must be given within thirty (30) days after the final action of the state board of elections. In the case of a member of the general assembly, the notice must be given within fifteen (15) days after the final action of the county board of election commissioners or the state board of elections, whichever canvasses the returns.

(3) Immediately after the notice, either party may proceed to take proof by depositions, under the same rules and regulations that govern the taking of depositions in actions in equity, except that no commission shall be required for taking a deposition out of the state. The depositions shall be sealed up by the officer taking them, and directed to the clerk of the senate or clerk of the house, as the case may require. The depositions properly taken shall be read as evidence before the board or branch of the general assembly having jurisdiction of the case, and such board or branch may call for and hear other proof. The taking of depositions to be used before a board or branch of the general assembly shall close ten (10) days before the next meeting of the general assembly, or, if in session when the notice is given, when the taking is ordered to close.

(4) The costs of the proceeding shall be adjudged against the unsuccessful party, and a certificate thereof shall be given by the clerk of the senate or the clerk of the house, as the case requires. A judgment for the costs may be obtained after five (5) days' notice in a circuit or county court.

Section 168. A new section of KRS Chapter 119 is created to read as follows:

When the election of a governor or lieutenant governor is contested, a board for determining the contest shall be formed and shall proceed in the following manner:

(1) On the third day after the organization of the general assembly that meets next after the election, the senate shall select three (3) of its members, and the house of representatives shall select eight (8) of its members, and the eleven (11) so selected shall constitute a board to try the contest, seven (7) of whom shall constitute a quorum. In making the selection, the name of each member present shall be written on a separate piece of paper, every piece being as nearly similar to the other as possible. Each piece shall be rolled up so that the names thereon cannot be seen nor any particular piece ascertained or selected by feeling. The whole, so prepared, shall be placed by the clerk in a box on his table, and after it has been well shaken and the papers therein well intermixed the clerk shall draw out one (1) paper, which shall be opened and read aloud by the presiding officer, and so on until the required number is obtained. If any person so selected swears that he cannot, without great personal inconvenience, serve on the board, or that he feels an undue bias for or against either of the parties, he may be excused by the house from which he was chosen from serving on the board, and if it appears that a person so selected is related to either party, or is liable to any other proper objection on the score of his partiality, he shall be excused. Any deficiency in the proper number so created shall be supplied by another draw from the box. The members of the board so chosen shall be sworn by the speaker of the house of representatives to try the contested election, and give true judgment thereon according to the evidence unless dissolved before rendering judgment.

(2) The board shall, within twenty-four (24) hours after its selection, meet, appoint its chairman, and assign a day for hearing the contest, and may adjourn from day to day as its business requires. If any member of the board wilfully fails to attend its sessions he shall be reported to the house to which he belongs, and that house shall thereupon, in its discretion, punish him by fine or imprisonment, or both.

(3) The board may send for persons, papers and records and issue attachments therefor signed by its chairman or clerk, and may issue commissions for taking proof.

(4) If it appears that the candidates receiving the highest number of votes given have received an equal number, the right to the office shall be determined by lot, under the direction of the board. If the person returned is found not to have been legally qualified to receive the office at the time of his election, and the first two (2) years of his term have not expired, a new election shall be ordered to fill the vacancy. If a person other than the one returned is found to have received the highest number of legal votes given, he shall be adjudged to be the person elected and entitled to the office.

(5) No decision shall be made but by the vote of six (6) members of the board. The decision of the board shall not be final nor conclusive, but shall be reported to the two (2) houses of the general assembly, in joint session, for the further action of the general assembly. The speaker of the house shall preside at the joint session, and the general assembly shall then determine the contest. If no decision of the board is given during the then session of the general assembly, it shall be dissolved, unless by joint resolution of the two (2) houses it is empowered to continue longer.

(6) If a new election is required, it shall be immediately ordered by proclamation of the speaker of the house, to take place on a day not less than thirty (30) days nor more than six (6) weeks thereafter.

(7) When a new election is ordered or that incumbent is adjudged not to be entitled to the office, his power shall immediately cease, and if the office is not adjudged to another it shall be deemed to be vacant.

Section 169. A new section of KRS Chapter 119 is created to read as follows:

When the election of a member of the general assembly is contested, the branch to which he belongs shall, within three (3) days after its organization, and in the manner provided in Section 168 of this Act, select a board of not more than nine (9) nor less than five (5) of its members to determine the contest. Such board shall be governed by the same rules, have the same power, and be subject to the same penalties as a board to determine the contested election of governor. It shall report its decision to the branch of the general assembly by which it was appointed, for its further action.

Section 170. A new section of KRS Chapter 119 is created to read as follows:

(1) Any elector who was qualified to and did vote on any public question, other than a constitutional amendment or a question of local option under chapter 242, submitted to the voters of any county, city or district for their approval or rejection may contest the election or demand a recount of the ballots by filing a petition, within thirty (30) days after the election, with the clerk of the circuit court of the county in which the election was held, which court shall have exclusive jurisdiction to hear and determine all matters in such cases. The petition shall be against the county, city or district in which the election was held, and shall set forth the grounds of contest or reason for requesting a recount. The grounds of contest may be the casting of illegal votes, the exclusion of legal votes, the unfair or illegal conduct of the election, tampering with the returns, the alteration of the certificates of the results, bribery, fraud, intimidation or corrupt practices, or any conduct or practice tending to frustrate, obstruct or interfere with the free expression of the will of the voters. A copy of the petition shall be posted at the courthouse door and at one or more public places in the county, city or district in which the election was held. Summons shall be served on the defendant as in equity actions.

(2) Upon the petition being filed, the circuit clerk shall forthwith order the county board of election commissioners and the county clerk of the county involved in the contest to preserve and hold the ballots cast at the election on the question subject to the order of the circuit court, and if the circuit court of the county in which the contest is filed is not in session at the time the petition is filed, the clerk shall immediately notify the circuit judge of the filing of the petition. The court or judge shall, within five (5) days after the petition is filed, determine whether there are sufficient grounds stated to justify the contest, and shall thereupon require the contestants to give bond for costs, and fix a time for the defendant to answer, not exceeding twenty (20) days.

(3) If the county, city or district affected fails to defend the action, any elector may become a defendant by filing an answer or other proper pleading within thirty (30) days after the filing of the petition, and by giving security for the costs in an amount to be fixed by the court. Any elector may join and assist the defendant in resisting the action by filing an application to do so and by giving security for such proportion of the costs as may be adjudged against him.

Section 171. A new section of KRS Chapter 119 is created to read as follows:

If a recount of the ballots is requested in a proceeding instituted under Section 170 of this Act, and the court or judge has determined that the petition presents sufficient grounds, the court or judge shall immediately order the ballots of the precincts in which the recount is demanded sent to the courthouse of the county, in a manner designated in the order, and shall designate two (2) commissioners to assist in the recount. One (1) of the commissioners shall represent the contestant and one (1) the contestee. The attorneys representing the parties may be present at all hearings and at the recount of the ballots. The court shall pass on all disputes respecting ballots and shall ascertain the result of the election after counting all legal ballots.

Section 172. A new section of KRS Chapter 119 is created to read as follows:

(1) If it appears in a proceeding instituted under Section 170 of this Act that the result as certified is not correct, the correct result shall be ascertained and declared by the court and certified to the county board of election commissioners, and the judgment shall supersede the official returns. If it appears to the satisfaction of the court that the election, or the returns thereof, were materially affected by fraud, duress, bribery, intimidation or corrupt practices, the entire election and the returns thereof shall be declared void and ineffective for any purpose. Costs shall follow the judgment as in equity cases.

(2) An appeal to the Court of Appeals may be prosecuted by the unsuccessful party in the same manner as in other contested election cases. No appeal shall lie from the recount of the ballots, but any questioned ballots may be made a part of the record and the ruling thereon by the circuit court may be reviewed, revised or reversed by the Court of Appeals.

Section 173. A new section of KRS Chapter 119 is created to read as follows:

(1) Any elector who was qualified to and did vote on any constitutional convention, constitutional amendment or statewide public question submitted to the voters of the state for their ratification or rejection may contest the election or demand a recount of the ballots by filing a petition, not more than fifteen (15) days after the official canvass and the announcement of the vote for the state by the state board of elections, with the clerk of the Franklin Circuit Court, which court shall have exclusive jurisdiction to hear and determine all

matters in such cases. The petition shall set forth the grounds of the contest. The contestant may file with the clerk of the Franklin Circuit Court and the secretary of state a notice of his intention to contest the election before the announcement of the official count by the state board of elections and thereupon the secretary of state shall forthwith notify all the county boards of election commissioners in the counties involved in the contest to hold the ballots cast at the election on the question subject to the order of the Franklin Circuit Court. The notice shall be served by the secretary of state by mailing a true and certified copy of the notice of contest, and the order to hold the ballots subject to the order of the court, by registered mail to the sheriffs of the counties in question, and the sheriffs shall forthwith acknowledge receipt thereof.

(2) If the Franklin Circuit Court is not in session at the time the petition of contest is filed, the clerk of the court shall immediately notify the judge of the filing of the petition. The judge shall, within five (5) days after the filing of the petition of contest, determine whether there are sufficient grounds stated to justify the contest, and shall thereupon require the contestants to give bonds for costs. All of the hearings relating to the contest shall be held in the courthouse of Franklin County.

(3) The clerk of the Franklin Circuit Court shall cause a notice of the contest to be published pursuant to KRS chapter 424, setting out the substance or the grounds of contest alleged by the contestants.

(4) Any elector who participated in the election on the convention, amendment or statewide public question may make himself a party as contestee in the action by filing his petition to be made a party not later than five (5) days after the contest is instituted, and by giving bond of the costs as required of the contestant. If no elector makes himself a party to the contest, the commonwealth's attorney for the Franklin Circuit Court shall attend the trial of the cause, and he may file such motions and pleadings in the cause on behalf of the commonwealth as will insure a fair and honest determination of the contest.

(5) All laws relating to contested elections for state offices shall apply with equal force to contests of the character contemplated by this section, except as otherwise provided in this section and in Section 174 of this Act.

Section 174. A new section of KRS Chapter 119 is created to read as follows:

(1) If a contest instituted under Section 173 of this Act involves the recount of ballots, and the court or judge has determined that the petition of contest presents sufficient grounds, the court or judge shall immediately order the ballots of the counties and precincts in which the recount is demanded sent to the courthouse at Frankfort, in a manner designated in the order. The court or judge may appoint two (2) special commissioners to help make the recount, who shall receive three dollars ($3.00) per day and their actual traveling expenses, when approved by the judge of the Franklin Circuit Court. The attorneys representing the contestant and the commonwealth's attorney representing the contestee may be present at all hearings on the recount. The contestant and contestee shall each be entitled to appoint one (1) inspector, who shall be allowed to witness the recount.

(2) The result of the recount of ballots shall be reported to the court or judge within three (3) days after it has been completed, together with all the disputed ballots and any ballots not counted. After inspecting and passing on the disputed and uncounted ballots, the court or judge shall add such of them as are found to be legal to the number of legal ballots determined by the recount. If the court or judge finds that any ballots were procured by fraud, duress, bribery, intimidation, or for valuable consideration, they shall be rejected as illegal and void. If there has been such error, fraud or other irregularity as to make it impossible to ascertain the correct result in any precinct, the ballots from that precinct shall be thrown out and considered void. The vote from a precinct shall not be counted if the contestants prove that there was bribery or intimidation of the electors in that precinct and the court finds that the contestants were in the minority in that precinct and were not in any way implicated in the bribery or fraud complained of.

Section 175. A new section of KRS Chapter 119 is created to read as follows:

An appeal to the Court of Appeals may be prosecuted by any party to a contest instituted under Section 173 of this Act in the same manner as in other contested election cases.

Section 176. A new section of KRS Chapter 119 is created to read as follows:

The compensation of witnesses and officers taking depositions, and their powers and duties, shall be the same in election contest cases as in actions in equity.

Section 177. A new section of KRS Chapter 119 is created to read as follows:

It shall be unlawful for any candidate in any primary or general election to agree not to file a suit contesting the election, or to agree to dismiss or cease prosecuting such suit after it has been filed, in consideration of the payment or promise to pay to him, or to any other person, of any money, deputyship, clerkship, employment, or anything of value by such successful candidate or by any other person. Any person who violates this section shall be ineligible thereafter to hold, or become a candidate for nomination or election to, any public office in this state, or to have his name printed on any official ballot in a primary or general election. Any qualified voter may maintain an action to enjoin the printing of the name of a person upon the official ballots for any primary or general election, on the ground that such person has violated this section, and in such action the violation may be proved by parol evidence.

Section 178. A new section of KRS Chapter 120 is created to read as follows:

As used in Sections 178 to 184, and 196 of this Act:

(1) "Registry," means the Kentucky registry of election finance.

(2) "Election," means any primary, regular or special election to fill vacancies.

(3) "Committee," means any combination of two (2) or more persons acting jointly, including a state or county executive committee of a political party, or any other organization or group, organized, in whole or in part, for the purpose of furthering political candidacies.

Section 179. A new section of KRS Chapter 120 is created to read as follows:

No corporation, and no officer or agent of a corporation on its behalf, shall contribute, either directly or indirectly, any money, service or other thing of value towards the nomination or election of any state, county, city or district officer, or pay, promise, loan or become pecuniarily liable in any way for any money or other valuable thing on behalf of any candidate for office at any election, primary or nominating convention held in this state. No attorney or other person shall accept employment and compensation from a corporation with the understanding or agreement, either direct or implied, that he will contribute to any such candidate, or on his behalf, any part or all of such compensation, towards the nomination or election of such candidate.

Section 180. A new section of KRS Chapter 120 is created to read as follows:

(1) No corporation organized or authorized to do business in this state shall, by itself or by or through an officer, agent, attorney or employe, subscribe, give, procure or furnish, or afterwards reimburse or compensate in any way any person who has subscribed, given, procured or furnished, any money, privilege, favor or other thing of value to any political or quasi-political organization, or any officer or member thereof, to be used by such organization for any purpose whatever.

(2) No officer, agent, attorney or employe of any corporation organized or authorized to do business in this state, or person acting for or representing any such corporation, shall disburse, distribute, pay out or in any way handle any money, funds or other thing of value that belongs to or has been or is being furnished by any such corporation or any officer, agent, attorney or employe thereof to be used or employed in any way for the purpose of aiding, assisting or advancing the cause of any political or quasi-political organization or of any candidate for public office in any way whatever.

Section 181. A new section of KRS Chapter 120 is created to read as follows:

No person other than a corporation, and no agent of such person on his behalf, shall contribute, either directly or indirectly, any money, service or other thing of value towards the nomination or election of any state, county, city or district officer who, in his official capacity, is required by law to perform any duties peculiar to such person not common to the general public, or to supervise, regulate or control in any manner the affairs of such person, or to perform any duty in assessing the property of such person for taxation. No such person, and no agent of such person on his behalf, shall pay, promise, loan or become pecuniarily liable in any way for any money or other valuable thing on behalf of any candidate for any such office at any election, primary or nominating convention held in this state. No attorney or other person shall accept employment and compensation from any such person with the understanding or agreement, either direct or implied, that he will contribute to any candidate for any such office, or on his behalf, any part or all of such compensation, towards the nomination or election of such candidate.

Section 182. A new section of KRS Chapter 120 is created to read as follows:

No candidate for nomination or election to any state, county, city or district office shall expend, pay, promise, loan or become pecuniarily liable in any way for money or other thing of value, either directly or indirectly, to any person in consideration of the vote or financial or moral support of that person. No such candidate shall promise, agree or make a contract with any person to vote for or support any particular individual, thing or measure, in consideration for the vote or the financial or moral support of that person in any election, primary or nominating convention, and no person shall demand that any candidate make such a promise, agreement or contract.

Section 183. A new section of KRS Chapter 120 is created to read as follows:

(1) No publisher of newspapers, magazines, handbills or other printed matter, owner or lessor of billboards, radio or television station or network or any other person, company, corporation or organization offering its communications services for hire to the public shall be permitted to charge fees for political advertising in excess of those charged other advertisers.

(2) Political advertising means any communication intended to support or defeat a candidate for public office.

(3) An action to enjoin violations of this section shall be in the circuit court of the county where the complaining candidate resides.

Section 184. A new section of KRS Chapter 120 is created to read as follows:

The provisions of Sections 178, 184 to 192, and 196 of this Act shall apply to all candidates running for public office in any primary or general election, or in any special election to fill a vacancy, except those candidates running for boards of education, county and local district offices filled by less than a countywide constituency and offices in cities of the third, fourth, fifth and sixth classes. However, the provisions of KRS

123.095 shall apply to all candidates for public office.

Section 185. A new section of KRS Chapter 120 is created to read as follows:

(1) There is hereby created as an independent agency of state government a Kentucky registry of election finance. The registry shall be composed of five (5) members appointed by the governor as provided herein. The registry shall remain independent of any other agency or department of state government.

(2) Two (2) members shall be appointed from each of the two (2) political parties that polled the largest vote in the last preceding election for state officers or presidential electors. The state central committees of the two (2) parties shall each submit a list of three (3) names to the governor and the appointments shall be made from these lists. The list shall be submitted on or before July 15, following June 16, 1966, and at the same time every four (4) years thereafter. The members shall take office on August 15 succeeding the submission of the list and serve for a term of four (4) years or until their successors are appointed and qualified.

(3) The appointed members shall within thirty (30) days after qualifying and assuming office submit a list of two (2) persons from which the governor within 30 days from its receipt shall appoint the fifth member, who shall serve as chairman. The term of the fifth member shall end on the same day as the terms of the appointed members. The chairman shall preside at all meetings and shall have all the powers and privileges of the other members.

(4) In the event of a vacancy in the office of any member appointed from the list furnished by a political party, the vacancy shall be filled from a list of three (3) submitted by the state central committee of the party to which that member belonged. In the event of a vacancy in the office of chairman, the appointment shall be made in the same manner as the original appointment. All appointments to fill a vacancy shall be for the unexpired term or until a successor is appointed and qualified.

(5) The list to be submitted to the governor for the office of chairman, or to fill a vacancy in that office, shall not be compiled at a time when a vacancy exists in any of the other four (4) offices.

(6) The members of the registry shall be at least twenty-five (25) years of age and shall be registered voters of Kentucky.

(7) The registry shall fix the place and time of its regular meetings by order duly recorded in its minutes. No action shall be taken without a quorum present. Special meetings shall be called by the chairman on his own initiative or on the written request of two (2) members. Members shall receive seven (7) days written notice of a special meeting and the notice shall specify the purpose, time and place of the meeting, and no other matters may be considered, without a specific waiver by all the members.

(8) The members of the registry shall receive $25.00 per diem, and shall be reimbursed for all reasonable and necessary expenses.

Section 186. A new section of KRS Chapter 120 is created to read as follows:

(1) The registry shall appoint a full-time executive and such other employes as are necessary to provide the service to carry out all purposes of Sections 184 to 192 of this Act, including an attorney or attorneys on a full or part-time basis.

(2) The registry shall adopt such regulations, official forms and perform such duties as are necessary to implement the provisions of Sections 178 and 184 to 192 of this Act. The registry is authorized and empowered to:

(a) Develop prescribed forms for the making of the required reports;

(b) Prepare and publish a manual for all candidates and committees, describing the requirements of the law, including uniform methods of bookkeeping and reporting;

(c) Develop a filing, coding and cross-indexing system;

(d) Permit copying or photocopying of any report as requested by any person;

(e) Preserve all reports for at least two (2) years from date of receipt;

(f) Prepare and make available for public inspection a summary of all reports grouped according to candidates and parties, containing the total receipts and expenditures, and the date, name, address and amount contributed by each contributor, listed alphabetically, shown to have contributed $500;

(g) Prepare and publish an annual report with cumulative compilations named in paragraph (f) above;

(h) Distribute upon request, for a nominal fee, copies of all summaries and reports;

(i) Ascertain whether candidates, committees or others have failed to file reports or have filed defective reports, give notice to delinquents to correct or explain defections, make available for public inspection a list of such delinquents;

(j) Hold public hearings, investigate any violations in reporting, and issue subpoenas for the production of documents and the attendance of witnesses.

(3) Promptly after the final date for filing statements and reports the registry shall notify all persons who have become delinquent in filing the same, and shall make available a list of such delinquents for public inspection. The registry shall also report to the attorney general and the commonwealth's attorneys such list.

Section 187. A new section of KRS Chapter 120 is created to read as follows:

(1) No contribution of money or other thing of value, nor obligation therefor, shall be made or received, and no expenditure of money or other thing of value, shall be made or incurred, directly or indirectly, to support or defeat a candidate in an election, except through the duly appointed campaign manager, or campaign treasurer of the candidate or registered committee.

(2) The solicitation from and contributions by candidates and party executive committees to any religious, charitable, civic, eleemosynary or other causes or organizations established primarily for the public good is expressly prohibited; Provided That it shall not be construed as a violation of this section for a candidate to continue regular personal contributions to religious, civic or charitable groups, of which he is a member or to which he has been a regular contributor for more than six (6) months.

(3) Any anonymous contribution in excess of $100 received by a campaign treasurer or committee shall not be used or expended, but shall be returned to the donor, if his identity is known, and if no donor is found, the contribution shall escheat to the state.

Section 188. A new section of KRS Chapter 120 is created to read as follows:

(1) Each candidate shall designate a campaign treasurer at the time and with the office he files as a candidate on a duplicate form prescribed and furnished by the registry and until this requirement is met his qualifications as a candidate shall not be complete and his filing papers shall not be accepted by the office with which he is required to file. The candidate may appoint himself or any registered voter in Kentucky as his campaign treasurer. The office with which the candidate is required to file shall immediately forward to the registry the duplicate copy of the completed form designating the candidate's campaign treasurer and shall attach the original to the candidate's filing papers. The office with which the candidate files shall promptly notify the registry when a candidate withdraws.

(2) A candidate may remove a campaign treasurer at any time.

(3) In case of the death, resignation or removal of a campaign treasurer the candidate shall within three (3) days after receiving notice thereof by certified or registered mail appoint a successor and shall file his name and address with the registry. The candidate shall be disqualified if he fails to meet this filing requirement.

(4) A person may serve as campaign treasurer for more than one candidate, but all reports must be made separately for each individual candidate.

(5) The candidate may pay a campaign treasurer a salary for his services which shall be considered a campaign expense and must comply with the reporting provisions of Sections 178 and 184 to 192 of this Act and those adopted by the registry.

Section 189. A new section of KRS Chapter 120 is created to read as follows:

(1) Each committee organized, in whole or in part, for the purpose of furthering a political candidacy, shall register with the registry, by filing official notice of intention at the time of organization, giving names and addresses and positions of the officers of the organization and designating the candidate or candidates it is organized to support on forms prescribed by the registry.

(2) All provisions of Sections 178 and 184 to 192 of this Act governing the duties and responsibilities of a candidate or campaign treasurer shall apply to a registered committee.

Section 190. A new section of KRS Chapter 120 is created to read as follows:

(1) State and county executive committees shall make a full report, upon a prescribed form, to the registry, of all money, loans or other things of value, received from any source since the date of the last report, including the name and address of each person or group contributing more than $500, the amount contributed by each and the date of the contribution, and a complete statement of all expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name and address of each person to whom an expenditure is made in excess of $50 and the amount, date and purpose of each expenditure. This report shall be made to the registry within thirty (30) days after the regular primary and general elections.

(2) Each campaign treasurer of a candidate or campaign committee shall make a full report, upon a prescribed form, to the registry, of all money, loans or other things of value, received by him from any source, since the date of the last report, including the name and address of each person or group contributing more than $500, the amount contributed by each and the date of the contribution, and a complete statement of all expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name and address of each person to whom an expenditure is made in excess of $50, and the amount, date and purpose of each expenditure.

(a) Reports of candidates for the congress of the United States, all statewide offices, judge of the Court of Appeals, circuit judge, commonwealth's attorney, circuit court clerk, and the Kentucky general assembly and their campaign committee shall be made:

1. On the thirtieth day preceding an election, including all previous contributions and expenditures.
2. On the tenth day preceding the date of the election.
3. Within thirty (30) days after the election.

(b) Reports of candidates for other offices covered under Section 184 of this Act and their campaign committees shall be made:

1. On the tenth day preceding the election.
2. Within thirty (30) days after the election.

(3) In making the preceding reports, proceeds from the sale of tickets for events such as dinners, luncheons, rallies and similar fund raising events, mass collections made at such events, and sales of items such as campaign pins, buttons, hats, ties, literature and similar materials, the total gross receipts from each category shall be listed. Such sales to any individual, corporation, organization or association exceeding $500 shall be reported, including the date of purchase, the name and address of the purchaser and the amount purchased.

(4) All reports required by Sections 178 and 184 to 192 of this Act shall be open to the public for inspection.

(5) If a candidate is unopposed in a primary or general election after the time prescribed by law for qualifying for nomination or election to the office, then his obligation to file the reports required by Sections 178 and 184 to 192 of this Act shall cease, but he may continue to file such reports voluntarily if he so chooses. A candidate is considered unopposed if no opposing candidate is to be listed on the official ballot. A candidate who is opposed but receives no contribution or makes no expenditures shall so report on the dates designated in this section, and file all reports required by Sections 178 and 184 to 192 of this Act.

(6) Copies of those reports required to be filed by or on behalf of a candidate for the Congress of the United States pursuant to Title III of the Federal Election Campaign Act of 1971 shall be filed with the Registry on the dates prescribed in said Act in lieu of the reporting requirements of this section, subject to the penalties set forth in Section 196 of this Act.

Section 191. A new section of KRS Chapter 120 is created to read as follows:

(1) All newspaper or magazine advertising, posters, circulars, billboards, handbills, sample ballots and paid-for television or radio announcements with reference to or intended for, the support or defeat of a candidate or group of candidates for nomination or election to any public office shall be identified by the words "paid for by" followed by the name and address of the payer, or the committee, organization or association and its treasurer, on whose behalf the communication appears. For television and radio broadcasts, compliance with Federal Communications Commission regulations regarding sponsored programs and broadcasts by candidates for public office shall be considered compliance with this section.

(2) The management of newspapers and magazines shall keep a one (1) year record of all statements, articles, or advertisements referred to in subsection (1) of this section, that appear in their publications, however, nothing in subsection (1) of this section shall be construed to require editors or editorial writers of newspapers and magazines to identify themselves in the manner therein required with any article or editorial written by them as part of their duties as an employe or employer.

Section 192. A new section of KRS Chapter 120 is created to read as follows:

The registry is required by Sections 178 and 184 to 192 to securely keep all reports filed for two years. Duly certified reports shall be admissible as evidence in any state court.

Section 193. A new section of KRS Chapter 120 is created to read as follows:

(1) No person shall coerce or direct any employe to vote for any political party or candidate for nomination or election to any office in this state, or threaten to discharge any employe if he votes for any candidate, or discharge any employe on account of his exercise of suffrage, or give out or circulate any statement or report that employes are expected or have been requested or directed by the employer, or by anyone acting for him, to vote for any person, group of persons or measure.

(2) No corporation organized or authorized to do business in this state shall influence or attempt to influence, by bribe, favor, promise, inducement or otherwise, the vote or suffrage of any employe of such corporation against or in favor of any candidate, platform, principle or issue in any election held under the laws of this state.

Section 194. A new section of KRS Chapter 120 is created to read as follows:

(1) No person shall obtain or attempt to obtain money by assessment or coercion from any state or federal employe with the purpose of using the money to promote or aid the candidacy of any person, or any political party, or any question to be voted upon by the voters of this state or any section or portion of this state in any state, national, district, county, city or precinct election, or primary election, or in securing delegates or in any manner where nominations are to be made by convention. Every assessment and each act of coercion shall constitute a separate offense.

(2) The term "assessment," as used in this section, means the fixing of any amount, to be given in money by any employe, and the soliciting of that amount or any amount in money from a person so assessed. The term "coercion," as used in this section, means any threat of discharging any employe for failure to contribute any amount of money for campaign or political purposes, or any attempt to force contribution of any amount of money for political or campaign purposes by any influence, or discharging, demoting or reducing the salary or wages of any employe for failure to contribute portions of his salary or wages, or by putting such employe in fear in any manner.

(3) The term "state or federal employe," as used in this section, means any person who holds any appointive office in any department of the state or federal government, and who receives wages or salary for his work from the funds of the state or the United States.

Section 195. A new section of KRS Chapter 120 is created to read as follows:

(1) Any public service corporation engaged in business in this state, or any officer or agent of such corporation, or attorney or other person employed by such corporation, who violates any of the provisions of Section 179 of this Act, shall be fined not more than ten thousand dollars ($10,000), and, in the case of individuals, be imprisoned in the county jail for not less than thirty (30) days nor more than one (1) year.

(2) Any corporation other than a public service corporation, or any officer or agent of such a corporation, or attorney or other person employed by such a corporation, who violates any of the provisions of Section 179 of this Act with respect to the nomination or election of any state, county, city or district officer who, in his official capacity, is required by law to perform any duties peculiar to such corporation not common to the general public, or to supervise, regulate or control in any manner the affairs of such corporation, or to perform any duty in assessing the property of such corporation for taxes, shall be fined not more than ten thousand dollars ($10,000), and, in the case of individuals, be imprisoned in the county jail for not less than thirty (30) days nor more than one (1) year.

(3) Any corporation other than a public service corporation, or any officer or agent of such a corporation, or attorney or other person employed by such a corporation, who violates any of the provisions of Section 179 of this Act with respect to the nomination or election of any candidate other than those mentioned in subsection (2) of this section, shall be fined not more than one thousand dollars ($1,000), and, in the case of individuals, be imprisoned in the county jail for not more than one (1) year.

(4) Any attorney who violates any of the provisions of Sections 179 or 181 of this Act shall, in addition to the penalties prescribed in subsections (1), (2), (3) and (7) of this section, be disbarred from the practice of law in this state, and the judgment of conviction shall so declare.

(5) Any corporation that violates any of the provisions of subsection (1) of Section 180 of this Act shall be fined not less than five hundred dollars ($500) nor more than five thousand dollars ($5,000) for each offense, and upon conviction its charter shall be forfeited or its authority to do business revoked.

(6) Any person who violates any of the provisions of subsection (2) of Section 180 of this Act shall, for each offense, be fined not less than two hundred and fifty dollars ($250) nor more than one thousand dollars ($1,000), and imprisoned in the county jail for not less than three (3) months nor more than one (1) year.

(7) Any person who violates any of the provisions of Section 181 of this Act shall be fined not more than ten thousand dollars ($10,000), and imprisoned in the county jail for not less than thirty (30) days nor more than one (1) year.

(8) Any person who violates any of the provisions of Section 182 of this Act shall be fined not more than five thousand dollars ($5,000), or imprisoned in the county jail for not more than six (6) months, or both.

(9) Any person who violates any of the provisions of subsection (1) of Section 193 of this Act shall be fined not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000), or imprisoned in the county jail for not more than six (6) months, or both.

(10) Any corporation that violates any of the provisions of subsection (2) of Section 193 of this Act shall be fined not less than five hundred dollars ($500) nor more than five thousand dollars ($5,000) for each offense, and upon conviction its charter shall be forfeited or its authority to do business revoked.

(11) Any person who violates any of the provisions of Section 194 of this Act shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500), or imprisoned in the county jail for not less than ten (10) days nor more than thirty (30) days, or both.

Section 196. A new section of KRS Chapter 120 is created to read as follows:

(1) Any person who violates any provision of Sections 178 or 184 to 192 of this Act is guilty of a misdeameanor and shall be punishable by a fine not exceeding $1,000 or by imprisonment for not more than one (1) year, or both. Violations shall include but shall not be limited to any of the following acts or omissions;

(a) Failure to make required reports or to file reports at times specified;

(b) Making any false statement or report;

(c) Giving money under a fictitious name;

(d) Making any communication to support or defeat a candidate without identification of sponsorship.

(2) The nomination for, or election to, an office of any candidate who violates any provision of Sections 178 or 184 to 192 of this Act, or whose campaign treasurer violates any provision of Sections 178 or 184 to 192 of this Act, with such candidate's knowledge, shall be void, and the office or candidacy shall be filled as provided by law for the filling of a vacancy. An action to declare a vacancy under this subsection may be brought by the registry or any candidate for the office sought to be declared vacant.

(3) The attorney general, commonwealth's attorney or the registry may sue for injunctive relief to compel compliance with the provisions of Sections 178 or 184 to 192 of this Act.

(4) Prosecution for violation of any provision of Sections 179 or 185 to 193 of this Act, shall not be commenced after one year has elapsed from the date of the violation.

Section 197. KRS 119.010, 119.020, 119.030, 119.055, 119.060, 119.070, 119.075, 119.080, 119.085, 119.090, 119.100, 119.120, 119.130, 119.140, 119.190, 119.240, 119.250, 119.310, 119.320, 119.330, 119.340, 119.350, 119.360, 119.370, 119.380, 119.390, 119.400, 119.410, 119.420, 119.430, 119.990, 120.010, 120.020, 120.030, 120.040, 120.050, 120.071, 120.076, 120.110, 120.120, 120.130, 120.140, 120.150, 120.160, 120.170, 120.180, 120.190, 120.200, 120.210, 121.010, 121.020, 121.030, 121.040, 121.050, 121.060, 121.070, 122.010, 122.020, 122.030, 122.040, 122.050, 122.060, 122.070, 122.080, 122.090, 122.100, 122.110, 122.120, 122.130, 122.140, 122.150, 122.160, 122.170, 122.180, 122.190, 122.200, 122.210, 123.005, 123.010, 123.020, 123.030, 123.040, 123.045, 123.051, 123.055, 123.061, 123.065, 123.071, 123.075, 123.086, 123.095, 123.101, 123.110, 123.120, 123.990, 123.991, 124.010, 124.020, 124.030, 124.040, 124.050, 124.060, 124.070, 124.080, 124.090, 124.100, 124.110, 124.120, 124.130, 124.140, 124.150, 124.160, 124.170, 124.180, 124.190, 124.200, 124.210, 124.220, 124.230, 124.240, 124.250, 124.260, 124.270, 124.280, 124.290, 124.300, 124.310, 124.320, 124.330, 124.340, 125.005, 125.013, 125.017, 125.020, 125.030, 125.040, 125.050, 125.060, 125.070, 125.080, 125.090, 125.100, 125.110, 125.120, 125.130, 125.132, 125.135, 125.137, 125.140, 125.150, 125.160, 125.170, 125.190, 125.210, 125.220, 125.230, 125.240, 125.250, 125.260, 125.310, 125.320, 125.330, 125.340, 125.350, 125.360, 125.370, 125.380, 125.390, 125.400, 125.410, 125.420, 125.430, 125.990, 127.010, 127.020, 127.030, 127.040, 127.050, 128.010, 128.020, 128.030, 128.040, 128.050, 128.060, 128.070, 128.080, 128.090, 128.100, 128.110, 128.120, 128.130, 128.140, 128.150, 128.160, 128.990 are repealed.

The Committee Amendment No. 1 to **HB 710** is as follows:

Amend printed copy of House Bill 710 on page 33, line 24 strike "No person, other than"

and on page 33, line 25 strike "the election officers and challengers, shall remain in"

and on page 33, line 26 strike "the polls where the voting machine is and the election is"

and on page 34, line 1 strike "being conducted, except when voting."

and on page 34, line 4 after the word "electioneering" add the words "at the polling place"

and on page 34, line 5 strike "within any polling place" and insert in lieu thereof "unless the fiscal court or legislative body of an urban county government specifically authorizes by ordinance electioneering and establishes the distance from the polling place where such electioneering may be permitted".

The Committee Amendment No. 2 to **HB 710** is as follows:

Amend printed copy of House Bill 710 on page 45, line 19 by adding the words "Nothing in this section shall prohibit an individual from requesting, in addition to a recanvass, a recount as authorized by Chapter 119 of this Act."

and on page 139, line 24 after the word "judgment" add the words ", or within such other time the Court of Appeals may, for cause shown, permit"

and on page 142, line 11 after the word "directing" add the words "custody of the voting machines,"

and on page 145, line 16 after the word "All" add the words "voting machines,"

and on page 147, line 11 after the word "the" add the words "voting machines,".

The Committee Amendment No. 3 to **HB 710** is as follows:

Amend printed copy of House Bill 710 on page 1, line 8 before the word "Every" add "(1)"

and on page 1, line 19 after the word "Vote" add "(2) Persons charged with or indicted for a crime, whether or not in custody for same, who have not yet been convicted of the said offense and who are not otherwise ineligible to vote, may vote for all offices to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he is qualified to vote."

and on page 1, line 19 before the word "A" add "(3)"

and on page 133, line 10 after the word "day" add "or any person incarcerated in jail that has been charged for a crime but has yet to be convicted of the said crime".

The Committee on State Government reported **HB 459** with Committee Substitute attached thereto, **HB 697, HR 60, SB 94, SB 150, SB 152, SB 153, SB 154, SB 155, SB 185,** and **SB 222** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 459, AN ACT relating to Commonwealth's Attorneys.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 69 is created to read as follows:
Commonwealth's attorneys in single county circuit court districts having four or more circuit judges shall devote their full time to the duties of the office of Commonwealth's attorney and shall not engage in the outside practice of law.
Section 2. KRS 64.510 is amended to read as follows:
(1) The maximum compensation that may be received by a commonwealth's attorney, *except a Commonwealth's attorney in single county circuit court districts with four or more circuit judges,* out of the state treasury, including the annual salary and the percentage of fines and forfeitures provided for in subsection (2) of this section, shall not exceed $9,600 and the amount provided by KRS 64.515.
(2) Each commonwealth's attorney, *except a Commonwealth's attorney in single county circuit court districts with four or more circuit judges,* shall receive an annual salary of $1,200 to be paid out of the state treasury. In addition thereto and in lieu of all taxed fees and perquisites, he shall be allowed the sum of $8,400 a year out of the fines and forfeitures rendered in his district, to be paid monthly out of the fines and forfeitures collected and paid into the state treasury each month. Except as provided in KRS 150.160, he shall receive forty per cent (40%) of all fines and forfeitures recovered in prosecutions before any county judge or magistrate and all of the fines and forfeitures rendered in circuit court except that part now allowed the circuit clerk and the county attorney. When the fines and forfeitures rendered in favor of the commonwealth in the several courts in his district in any year are not sufficient to allow him $8,400 and in the succeeding year they are sufficient to exceed that amount, he shall be paid out of the excess, if sufficient, the sum necessary to bring his compensation from fines and forfeitures for the preceding year to $8,400. In no case shall he receive more than the maximum allowed under subsection (1) of this section.
(3) Counties, *except counties constituting a single circuit court district and which have four or more circuit judges,* shall have the same authority to allow and pay additional compensation to the commonwealth's attorney as is conferred by KRS 64.500 with respect to circuit judges, within the constitutional limit on the compensation of officers whose jurisdiction or duties are coextensive with the commonwealth.
(4) Commonwealth's attorneys in single county circuit court districts with four or more circuit judges shall be paid a yearly salary of $27,500 from the state treasury. They shall not be entitled to fines and forfeitures.

The Committee Substitute to **HB 459** is as follows:

HB 459, AN ACT relating to Commonwealth's Attorneys.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 69.010 is amended to read as follows:
(1) Except as provided in subsections (2) and (3) of this section, the [The] commonwealth's attorney shall attend each circuit court held in his district, and prosecute all violations of the criminal and penal laws therein. He shall, except in Franklin County, attend to all civil cases and proceedings in which the commonwealth is interested in the circuit courts of his district. In civil cases the governor may employ

counsel to assist the commonwealth's attorney. The fees of the counsel employed by the governor shall be paid out of the state treasury upon a voucher signed by the governor.

(2) In each circuit court district containing a city of the first or second class, the commonwealth's attorney shall be a full-time prosecutor who shall not engage in the private practice of law, nor shall he engage in any other business that would conflict with the duties of his office.

(3) The duties of the commonwealth's attorney provided for in subsection (2) of this section shall be the same as the duties of the commonwealth's attorney provided for in subsection (1) of this section, except:

(a) He shall not be required to represent the Commonwealth in any civil proceedings.

(b) He shall have the duty to prosecute all violations of the criminal and penal laws which are to be tried in circuit court in his district. In addition, he shall have the duty to prosecute any preliminary proceedings of such violations including, but not necessarily limited to the duty to prosecute preliminary hearings wherever held and the duty to present evidence to the grand jury concerning such violations. Further, he shall have the duty to represent the state in all appeals taken to the circuit court in his district from any inferior court.

Section 2. KRS 64.510 is amended to read as follows:

(1) Except for the commonwealth's attorneys provided for by subsection (2) of KRS 69.010, the compensation received by a commonwealth's attorney shall be as follows:

(a) [(1)] The maximum compensation that may be received by a commonwealth's attorney out of the state treasury, including the annual salary and the percentage of fines and forfeitures provided for in subsection *(b)* [(2)] of this *subsection* [section], shall not exceed $9,600 and the amount provided by KRS 64.515.

(b) [(2)] Each commonwealth's attorney shall receive an annual salary of $1,200 to be paid out of the state treasury. In addition thereto and in lieu of all taxed fees and perquisites, he shall be allowed the sum of $8,400 a year out of the fines and forfeitures rendered in his district, to be paid monthly out of the fines and forfeitures collected and paid into the state treasury each month. Except as provided in KRS 150.160, he shall receive forty per cent (40%) of all fines and forfeitures recovered in prosecutions before any county judge or magistrate and all of the fines and forfeitures rendered in circuit court except that part now allowed the circuit clerk and the county attorney. When the fines and forfeitures rendered in favor of the commonwealth in the several courts in his district in any year are not sufficient to allow him $8,400 and in the succeeding year they are sufficient to exceed that amount, he shall be paid out of the excess, if sufficient, the sum necessary to bring his compensation from fines and forfeitures for the preceding year to $8,400. In no case shall he receive more than the maximum allowed under subsection *(a)* [(1)] of this section.

(c) [(3)] Counties shall have the same authority to allow and pay additional compensation to the commonwealth's attorney as is conferred by KRS 64.500 with respect to circuit judges, within the constitutional limit on the compensation of officers whose jurisdiction or duties are coextensive with the commonwealth.

(2) (a) Each commonwealth's attorney provided for by subsection (2) of KRS 69.010 shall receive out of the state treasury, including the annual salary and percentage of fines and forfeitures provided for in subsection (b) of this section, compensation not to exceed $27,500 and the amount provided by KRS 64.515.

(b) Each commonwealth's attorney provided for by subsection (2) of KRS 69.010 shall receive an annual salary of $1,200 to be paid out of the state treasury. In addition thereto and in lieu of all taxed fees and perquisities, he shall be allowed the sum of $23,800 a year out of the fines and forfeitures rendered in his district, to be paid monthly out of the fines and forfeitures collected and paid into the state treasury each month. Except as provided in KRS 150.160, he shall receive forty percent (40%) of all fines and forfeitures recovered in prosecutions before any county judge or magistrate and all of the fines and forfeitures rendered in circuit court except that part now allowed the circuit clerk and county attorney.

(c) In the case that the total amount from fines and forfeitures, as provided for by subsection (2) (b) of this section, paid into the state treasury any year from any district shall exceed the amount necessary to compensate the commonwealth's attorney of that district $27,500 that excess amount shall be used in the following manner:

1. It shall be used to supplement the total compensation of other commonwealth's attorneys serving during that year in other circuit court districts having a city of the first or second class, provided that it shall be applied in such a manner as to equalize, as much as possible, all salaries of commonwealth's attorneys serving in circuit court districts containing a city of the first or second class, and provided further, that no commonwealth's attorney shall receive total compensation in excess of $27,500 annually.

2. In the case that the total amount of fines and forfeitures, as provided for by subsection (2) (b) of this section, paid into the state treasury in any year from all circuit court districts having a city of the first or second class is in excess of the amount necessary to bring the total compensation of all commonwealth's attorneys serving in those circuit court districts to $27,500 that excess amount shall become available in succeeding years to supplement the total compensation of all commonwealth's attorneys serving in circuit court districts having a city of the first or second class, provided that it shall be applied in such a manner as to

equalize, as much as possible, the salary of all such commonwealth's attorneys and provided further that no commonwealth's attorney shall receive total compensation in excess of $27,500 annually.

Section 3. A new section of KRS Chapter 64 to be numbered KRS 64.519 is created to read as follows:

The salaries of assistant commonwealth's attorneys, district detectives and stenographers serving in a circuit court district described by subsection (2) of KRS 69.010 shall be determined as provided in KRS 64.640 and paid out the state treasury.

Section 4. KRS 64.518 is amended to read as follows:

(1) In counties having a population of 200,000 or more, *except counties in a circuit court district described by subsection (2) of KRS 69.010*:

(a) The first and second assistant commonwealth's attorneys appointed under KRS 69.070 shall each receive an annual salary of not less than $5,000. One (1) assistant commonwealth's attorney shall receive an annual salary of not less than $4,000 and other assistant commonwealth's attorneys appointed under KRS 69.070 shall each receive an annual salary of not less than $4,800. The salaries in this subsection shall be fixed by the fiscal court in the county and none shall exceed the total compensation of the commonwealth's attorney.

(b) *Except in counties contained in a circuit court district described by subsection (2) of KRS 69.010, the* [The] stenographers appointed under KRS 69.100 shall each receive an annual salary of not less than $2,700. The stenographer appointed to perform the duties of record clerk shall receive an annual salary of not less than $3,600.

(2) The salaries described in subsection (1) of this section shall be paid in equal monthly instalments out of the county levy. Such salaries may be increased by the fiscal court in accordance with KRS 64.520.

[(3) In judicial districts composed of one (1) county containing a city of the second class and having a population of less than 200,000, the assistant commonwealth's attorney shall receive an annual salary of not less than $4,000 nor more than $6,000 to be fixed by the fiscal court and paid out of the county levy in equal monthly instalments.]

Section 5. KRS 64.520 is amended to read as follows:

(1) In any judicial district composed of only one (1) county, *except in judicial districts described by subsection (2) of KRS 69.010,* the assistant commonwealth's attorney and the stenographers and district detectives for the commonwealth's attorney, provided for by law, shall receive such compensation, payable out of the county treasury, as is fixed by the fiscal court, subject to KRS 64.518 and 64.525.

(2) In any judicial district composed of more than one (1) county, *except judicial districts described by subsection (2) of KRS 69.010,* [for which an assistant commonwealth's attorney, stenographer or district detective for the commonwealth's attorney is provided for by law,] the fiscal courts of the several counties shall, by joint action, exercise the powers conferred by this section upon the fiscal courts of single county districts with respect to fixing *the* compensation *of the assistant commonwealth's attorney and the stenographers and district detectives for the commonwealth's attorney.* [, and] *Such* [such] compensation shall be paid out of the county treasuries of the respective counties in proportion to the amount of work attributable to each county, the proportion being certified by the commonwealth's attorney.

Section 6. KRS 64.525 is amended to read as follows:

(1) In counties having a population of 125,000 or more, *except where such county is in a circuit court district described by subsection (2) of KRS 69.010,* the district detectives appointed under KRS 69.110 shall each receive an annual salary of not less than $6,000.

[(2) In counties containing a city of the second class, the district detective appointed under KRS 69.110 shall receive an annual salary of not less than $7,200 nor more than $9,600.]

(2) [(3)] In counties containing a population of 40,000 or more but not containing a city of the second class, the district detective appointed under KRS 69.110 shall receive an annual salary of not less than $5,000.

(3) [(4)] The salaries described in subsections (1) *and (2)* [to (3)] of this section shall be paid in equal monthly installments out of the county levy. Such salaries may be increased by the fiscal court in accordance with KRS 64.520.

(4) [(5)] In counties containing a city of the first class the fiscal court may authorize the payment out of the county treasury of sums sufficient to reimburse the district detectives for expenses incurred for gasoline and motor oil used in the performance of their official duties, and may prescribe the amount, manner and conditions of payment.

Section 7. KRS 69.030 is amended to read as follows:

Except for the commonwealth's attorneys covered by subsection (2) of KRS 69.010, each [Each] commonwealth's attorney shall advise the collector of money due the commonwealth in each county of his district in regard to motions against delinquent collecting officers for failing to return executions, and shall prosecute the motions. He shall be allowed ten per cent (10%) of the damages imposed by law and collected from the officers for such failure.

Section 8. KRS 69.040 is amended to read as follows:

Except for the commonwealth's attorneys covered by subsection (2) of KRS 69.010, each [Each] commonwealth's attorney shall investigate and inquire into the condition of all unsatisfied judgments in his district in favor of the commonwealth. He shall take all necessary steps by motion, action or otherwise to collect the unsatisfied judgments and cause them to be paid into the state treasury.

Section 9. KRS 69.070 is amended to read as follows:

Except for counties in a circuit court district described by KRS 69.010, in [In] counties having a population of 200,000 or more the commonwealth's attorney shall appoint a first, second and third assistant commonwealth's attorney for terms of *indefinite* [four (4)] years [each], but they may be removed at any time, *with or without cause,* by the commonwealth's attorney. In such counties where there are two or more criminal divisions of the circuit court, the commonwealth's attorney may appoint, in addition to a first, second and third assistant commonwealth's attorney, such other assistant commonwealth's attorneys, not to exceed ten or a total of thirteen assistant commonwealth's attorneys as the commonwealth's attorney may deem necessary, one of whom shall act as secretary to the grand jury.

Section 10. A new section of KRS Chapter 69 to be numbered KRS 69.075 is created to read as follows:

(1) In every circuit court district containing a city of the first or second class, the commonwealth's attorney may appoint one (1) assistant commonwealth's attorney for each 30,000 persons residing in that circuit court district. Each assistant commonwealth's attorney so appointed shall have a term of indefinite years, but may be removed at any time, with or without cause, by the commonwealth's attorney.

(2) The qualifications and duties of each assistant commonwealth's attorney provided for in subsection (1) of this section shall be the same as those set forth in KRS 69.080, except the assistant commonwealth's attorneys provide for by subsection (1) of this section shall not engage in the private practice of law, nor shall he engage in any other business that would conflict with the duties of his office.

Section 11. KRS 69.080 is amended to read as follows:

The assistant commonwealth's attorneys provided for by KRS 69.070 *and KRS 69.075* shall, at the time of appointment, reside in the district in which the commonwealth's attorney is elected and shall be licensed practicing attorneys and citizens of Kentucky. They shall have the same powers and perform the same duties as the commonwealth's attorney, subject to the directions and control of the commonwealth's attorney, and shall aid him in all matters pertaining to his office.

Section 12. KRS 69.097 is amended to read as follows:

(1) Except in circuit court districts containing a city of the first or second class, the [The] commonwealth's attorney in any district with more than one judge, [with the exception of districts containing a city of the first class, regardless of the class of city contained therein] may appoint with approval of fiscal court one additional assistant commonwealth's attorney [and one additional district detective] and with approval of fiscal court may compensate *him* [them] in the same manner as those now holding the same appointments.

(2) Except in circuit court districts containing a city of the first class, the commonwealth's attorney in any circuit court district with more than one judge may appoint with the approval of fiscal court one (1) additional district detective and with the approval of fiscal court may compensate him in the same manner as those now holding the same appointments.

Section 13. KRS 69.100 is amended to read as follows:

In counties having a population of 200,000 or over, *except in counties in a circuit court district described by subsection (2) of KRS 69.010,* the commonwealth's attorney shall appoint six stenographers for terms of *indefinite* [four (4)] years subject to removal at any time, *with or without cause,* by the commonwealth's attorney. Five of the stenographers shall do stenographic work and typewriting for the commonwealth's attorney and perform other duties assigned to them by the commonwealth's attorney. One stenographer shall perform the duties of record clerk. The stenographers have the same power of administering an oath as a notary public.

Section 14. KRS 69.105 is amended to read as follows:

In circuit court districts described by subsection (2) of KRS 69.010, the commonwealth's attorney may appoint one (1) stenographer for the commonwealth's attorney and one (1) additional stenographer for each two (2) assistant commonwealth's attorneys serving in his office. The stenographers so appointed shall have a term of indefinite years, subject to removal at any time, with or without cause, by the commonwealth's attorney. The stenographer shall do stenographic work for the commonwealth's attorney and perform such other duties as assigned to them by the commonwealth's attorney, and shall have the same power of administering an oath as a notary public.

[In counties containing a city of the second class, the commonwealth's attorney may appoint a stenographer for a term of four (4) years, subject to removal at any time by the commonwealth's attorney. The stenographer shall do stenographic work for the commonwealth's attorney and perform such other duties assigned to him by the commonwealth's attorney, and shall have the same power of administering an oath as a

notary public. The stenographer may receive an annual salary to be fixed and paid by the fiscal court out of the county levy in equal monthly instalments. In judicial districts which contain one or more other counties in addition to the county containing a city of the second class, each county shall pay a proportionate part of the salary of the stenographer, in proportion to the amount of work attributable to each county, the proportion being certified by the commonwealth's attorney; and provided same is approved by the fiscal courts of such counties.]

Section 15. KRS 69.110 is amended to read as follows:

(1) Except in counties contained in a circuit court district described by subsection (2) of KRS 69.010:

(a) [(1)] In counties having a population of 150,000 or more the commonwealth's attorney shall appoint seven (7) district detectives for a term of *indefinite* [four (4)] years subject to removal at any time, *with or without cause,* by the commonwealth's attorney.

(b) [(2)] In counties having a population of 125,000 or more the commonwealth's attorney may appoint four (4) district detectives for a term of *indefinite* [four (4)] years subject to removal at any time, *with or without cause,* by the commonwealth's attorney, subject to the approval of the fiscal court.

[(3) In counties containing a city of the second class the commonwealth's attorney shall appoint a district detective for a term of four (4) years subject to removal at any time by the commonwealth's attorney.

(4) The detectives appointed pursuant to this section shall have the same power of arrest and right to execute process as sheriffs have. They shall assist the commonwealth's attorney in all matters pertaining to his office in the manner he designates and shall assist him in the preparation of all criminal cases in circuit court by investigating the evidence and facts connected with such cases.]

(c) [(5)] In counties containing a population of 40,000 or more persons but not containing a city of the second class, the commonwealth's attorney may, if the fiscal court concurs therein, appoint a district detective having a term of *indefinite* [four (4)] years subject to removal at any time, *with or without cause,* by the commonwealth's attorney.

(d) [(6)] In districts composed of three (3) or more counties and containing a city of the third class, the commonwealth's attorney may appoint a district detective having a term of *indefinite* [four (4)] years subject to removal at any time, *with or without cause,* by the commonwealth's attorney. Such district detective may receive an annual salary not to exceed $7,500, to be paid by the fiscal courts of the district in such manner as they may agree.

(e) [(7)] In all districts not covered by subsections (1) *(a) to (1) (d)* [to (6)] above, the commonwealth's attorney may appoint one district detective subject to the same salary and tenure provisions as subsection *(1) (d)* [(6)] above.

(2) In circuit court districts described by subsection (2) of KRS 69.010, the commonwealth's attorney may appoint one chief district detective. In addition, the commonwealth's attorney may appoint one (1) district detective for every two assistant commonwealth's attorney serving in his office. Such district detectives shall have a term of indefinite years, subject to removal at any time, with or without cause, by the commmonwealth's attorney.

(3) The detectives appointed pursuant to subsection (1) and (2) of this section shall have the same power of arrest and right to execute process as sheriffs have, and their jurisdiction shall extend throughtout the state. They shall assist the commonwealth's attorney in all matters pertaining to his office in the manner he designates and shall assist him in the preparation of all criminal cases in circuit court by investigating the evidence and facts connected with such cases.

Section 16. KRS 69.210 is amended to read as follows:

(1) The county attorney shall attend all county and fiscal courts held in his county and conduct all cases and business in those courts touching the rights or interests of the county, and when so directed by the county or fiscal court he shall institute, defend and conduct all civil actions in which the county is interested before any of the courts of the commonwealth.

(2) *Except as provided for by KRS 69.010 (3) (b), the* [The] county attorney shall attend to the prosecution, in courts inferior to the circuit court, of all criminal and penal cases in his county in which the commonwealth or the county is interested, except those cases in a police court for which there is a prosecuting attorney who has the duty to prosecute such cases.

(3) The county attorney shall attend the circuit courts held in his county and aid the commonwealth's attorney in all prosecutions therein, and in the absence of the commonwealth's attorney he shall attend to all of the commonwealth's business in the circuit courts, except those felony cases for which a pro tem commonwealth's attorney is appointed under KRS 69.060.

(4) The county attorney shall give legal advice to the fiscal and county courts and the several county officers in all matters concerning any county business within their jurisdiction. He shall oppose all unjust or illegally presented claims.

(5) *A county attorney serving in a county which is part of a circuit court district described by KRS 69.010 (2), in addition to the duties in subsections (1) through (4) of this section, shall have the following duties:*

(a) He shall attend all civil cases and proceedings in his county in which the Commonwealth is interested.

(b) He shall advise the collector of money due the commonwealth in the county in regard to motions against delinquent collecting officers for failing to return executions, and shall prosecute the motions. He shall be allowed ten percent of the damages imposed by law and collected from the officers for such failure. [In no case shall the county attorney take a fee or act as counsel in any case in opposition to the interest of the county.]

Section 17. KRS 69.430 is amended to read as follows:

(1) The prosecuting attorney of the police court in cities of the first class shall be elected by the qualified voters of the city at the same time and places at which the mayor is elected, beginning in the year 1949 at the general elections of said year, and shall hold office for the term of four (4) years.

(2) *Except as provided for by subsection (3) (b) of KRS 69.010, in* [In] all matters coming before the police court the prosecuting attorney shall represent the commonwealth or the city, as the case may require, but the commonwealth's attorney or the county attorney may be present and assist in the trial of offenses against the commonwealth. The prosecuting attorney shall have the qualifications, take the oath and come under the obligations prescribed for commonwealth's attorneys.

(3) The prosecuting attorney shall appoint an assistant prosecuting attorney who shall have all of the qualifications of the prosecuting attorney and shall take the oath of office the same as the prosecuting attorney and said assistant prosecuting attorney may be removed at the pleasure of the prosecuting attorney.

(4) The assistant prosecuting attorney may have a vacation of one (1) calendar month of each year and no deduction shall be made from his salary for said vacation.

Section 18. KRS 69.450 is amended to read as follows:

The qualified voters of cities of the second class, except those operating under the commission or city manager form of government, shall elect a city attorney, for a term of four (4) years. *Except as provided for by subsection (3) (b) of KRS 69.010, the* [The] city attorney shall appear for the city in all cases in the police court, and prosecute or defend on behalf of the city all appeals from the decisions of the police court in which the city is a party, or is in any way interested. He shall perform such other duties as are prescribed by ordinance or required of him by the city solicitor. The city attorney shall be paid such salary as the city legislative body deems proper.

Section 19. KRS 69.520 is amended to read as follows:

Except as provided for by subsection (3) (b) of KRS 69.010, the [The] prosectuign attorney in cities of the third class shall attend all sessions of the police court and prosecute all criminal and penal cases in that court and appeals therefrom, whether for violations of the ordinances of the city or the laws of the state.

Section 20. KRS 69.560 is amended to read as follows:

The legislative body of each city of the fourth class, except those operating under the commission or city manager form of government, as soon as it is organized or as soon thereafter as practicable, and biennially thereafter, may appoint a city attorney, or it may provide by ordinance at least sixty (60) days previous to any election that the city attorney be elected by the qualified voters of the city at the same time and for the same term that the police judge is elected. The city attorney must be a practicing attorney, and a resident of the city. The city attorney shall hold his office for a term of two (2) years, subject to removal at any time for good cause by the city legislative body. *Except as provided for by subsection (3) (b) of KRS 69.010, the city attorney* [He] shall prosecute all pleas of the commonwealth and all warrants or proceedings instituted for violation of the ordinances or municipal regulations of the city in the police court, attend the meetings of the city legislative body, advise it in all matters of litigation or legal proceedings, and perform any other duties in his department required by the city legislative body. The city legislative body shall fix his compensation by ordinance before his appointment or election.

Section 21. KRS 69.570 is amended to read as follows:

Except as provided for by subsection (3) (b) of KRS 69.010, if [If] an appeal is taken from the judgment of a police court of a city of the fourth class under the penal laws of Kentucky the city attorney shall represent the commonwealth in any court to which the case may be appealed. If judgment is rendered in favor of the commonwealth on the appeal the city attorney shall take all necessary steps to collect the fine or forfeiture and to enforce the judgment. The county or commonwealth's attorney is not required to represent the commonwealth in such cases.

Section 22. KRS 69.580 is amended to read as follows:

Except as provided by subsection (3) (b) of KRS 69.010, the [The] city attorney of a city of the fifth class shall advise the city authorities and officers in all legal matters pertaining to the business of the city, and discharge other required duties. The city legislative body may, for special cases, employ an attorney for the city who may or may not reside in the city and who shall receive such compensation as the city legislative body prescribes by ordinance.

Section 23. KRS 69.590 is amended to read as follows:

The board of trustees of a city of the sixth class may appoint a city attorney who shall hold office for two (2) years, subject to removal at the pleasure of the board of trustees. He shall advise the city authorities and officers in all legal matters pertaining to the business of the city. *Except as provided for by subsection (3) (b) of KRS 69.010, the city attorney* [He] shall prosecute all violations of the ordinances of the city and discharge any other duties required by the board. The board may, for special cases, employ an attorney for the city who may or may not be a resident of the city, and who shall receive such compensation as the board of trustees prescribes by ordinance.

Section 24. KRS 69.095 is repealed.

HB 697, AN ACT relating to motor vehicle registration.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 186.005 is amended to read as follows:

(1) It is declared to be the policy of this commonwealth that all commercial vehicles should be regulated, registered and the laws pertaining thereto be administered by the department of [motor] transportation. Motor vehicles other than commercial vehicles should be registered, regulated and controlled by the department of *transportation* [revenue] and the department of *justice* [public safety].

(2) All motor vehicles registered under the provisions of KRS 186.050(1) shall be on a calendar year basis and evidenced by a license plate whose registration designation is a combination of three letters of the alphabet and three arabic numerical digits. These registration plates shall be issued for use during a multi-year period and validated for continued use the following year, or years, by affixing an appropriate insignia of plastic or adhesive material bearing the date of the new year.

(3) License plates issued pursuant to KRS 186.050(1) shall be fully treated with a reflective material which shall provide effective and dependable reflective brightness during the service period required of the license plate issued to reduce road accidents and improve the visibility and legibility after dark. The requirements of this subsection shall be effective with the 1977 license plate issue.

(4) [(2)] The registration *insignia* [plates] and receipts issued in accordance with the terms of *KRS 186.050(1)* [this chapter] are on a calendar year basis. The department of [motor] transportation may promulgate regulations and prepare the proper insignia and forms, which forms shall include information required by the department of revenue[, in order to administer the provisions of this chapter with regard to commercial vehicles.]

HR 60, A CONCURRENT RESOLUTION memorializing Congress to create a system whereby payments are made to local jurisdictions in lieu of property taxes on national forest lands.

WHEREAS, no direct taxes are levied against any federally owned forest land in Kentucky; and

WHEREAS, several Kentucky counties have significant acreage in national forest lands; and

WHEREAS, a restrictive tax base has placed an undue burden on the citizenry of these counties; and

WHEREAS, ample precedence has been established by the Tennessee Valley Authority in the payments made to local jurisdictions in lieu of property taxes for federally owned property;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Congress of the United States is hereby memorialized to create a system whereby payments are made to local jurisdictions in lieu of property taxes on national forest lands.

SB 94, AN ACT relating to the Kentucky Horse Council.

WHEREAS, the horse industry is and continues to be an essential contributor to the overall economy of the Commonwealth and brings national and international attention to the Commonwealth; and

WHEREAS, the horse industry in the Commonwealth is made up of many different breeds of horses and affiliated organizations; and

WHEREAS, there are an estimated 200,000 horses in this state and the combined investment and annual expenditures of the Kentucky Thoroughbred industry alone is estimated to be 650 million dollars; and

WHEREAS, there is a continuing need to represent Kentucky's horse industry as a whole in matters of local, state and national importance; and

WHEREAS, other states with climates conducive to year-round racing and other outdoor activities relating to horses have developed substantial horse industries of their own, and 15 state horse councils are currently promoting and protecting these industries in their respective states; and

WHEREAS, every effort should be made to preserve and strengthen the horse industry in the Commonwealth;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 154 is created to read as follows:

(1) There is hereby created the Kentucky Horse Council which shall be an independent agency of state government but which shall be attached to the Executive Department for Finance and Administration for administrative support services. The council shall be composed as follows:

(a) The Governor shall appoint a total of seven members. Not more than two members shall be representatives of the same horse group in Kentucky and no more than two members shall be directors of the same horse association. Any vacancy on the council shall be filled by the Governor for the unexpired term. Each member shall be eligible for reappointment at the discretion of the Governor. Members shall serve without salaries, but shall be reimbursed for all expenses paid or incurred in the discharge of official business. The council shall designate one of their number as chairman and another as vice chairman. Before entering upon the discharge of their duties, each member shall take the constitutional oath of office.

(b) The members of the council shall hold their offices for a term of four years; however, the terms shall be staggered so that in initially composing the council two members shall be appointed for a period of two years, two for three years and three for four years.

(c) The council shall establish and maintain a general office for the transaction of its business and may at its discretion establish a branch office or offices. The council may hold meetings at any of such offices or at any other place when the convenience of the council requires. All meetings of the council shall be open and public, and all persons shall be permitted to attend any meetings. A majority of the council shall constitute a quorum for the transaction of its business or exercise of any of its powers.

(2) Meetings of the council shall be held at least quarterly but may be held more frequently as deemed necessary subject to call by the chairman or by request of a majority of the council members. Council meetings shall concern policy matters relating to the importance of the horse industry to the Commonwealth and the preservation and the improvement of the horse industry in the Commonwealth, and actions contributing to the growth and well being of clubs, 4-H activities, pleasure horse riding, youth activities of any kind relating to horses and other matters as are necessary to carry out the intent of this act.

(3) Each member of the council shall have one vote and a majority vote of the members present shall control on all questions.

(4) Funds for the operation of the council shall come from subscriptions charged to members, such legislative appropriations as made by the General Assembly and grants which may be received from time to time from private, federal or state agencies and from individuals having an interest in the horse industry.

Section 2. A new section of KRS Chapter 154 is created to read as follows:

The Kentucky Horse Council shall:

(1) Formulate policies and procedures as necessary to carry out the provisions of this act;

(2) Promulgate rules and regulations as necessary to carry out the provisions of this act;

(3) Annually provide the Governor a report by January 31 and provide the General Assembly a report by January 31 showing the status of the horse industry within the Commonwealth and recommend any action necessary to preserve and strengthen that industry; and

(4) Employ staff personnel, if any, as it may deem necessary to implement the business of the council and the intent of this act. The council shall fix the compensation of such employes and any employe of the council shall be reimbursed for expenses paid or incurred in the discharge of official business when approved by the council.

SB 150, AN ACT relating to the military.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 35.070 is amended to read as follows:

(1) Under such regulations as may be issued pursuant to this chapter, any commanding officer may, in addition to or in lieu of admonition or reprimand, impose one (1) of the following disciplinary punishments for minor offenses without the intervention of a court-martial:

(a) Upon officers of his command:

[1. Withholding of privileges for a period not to exceed two (2) consecutive weeks;]

1.[2.] Restriction to certain specified limits, with or without suspension from duty, for a period not to exceed two (2) consecutive weeks; or

2.[3.] If imposed by the governor or adjutant general, *a fine not exceeding $100.* [forfeiture of pay and allowances not exceeding seventy-five dollars ($75.00).]

(b) Upon other military personnel:

[1. Withholding of privileges for a period not to exceed two (2) consecutive weeks;]

1.[2.] Restriction to certain specified limits, with or without suspension from duty, for a period not to exceed two (2) consecutive weeks;

2.[3.] Extra duties for a period not more than fourteen (14) days which need not be consecutive, and not to exceed two (2) hours per day, holidays included; or

3.[4.] If imposed by an officer exercising special court-martial jurisdiction, forfeiture of pay and allowances not exceeding *$50* [twenty-five dollars ($25.00)] or a fine of a like amount;

4.[5.] Reduction to next *lower* [inferior] grade if the grade from which demoted was established by the command or an equivalent or lower command.

(2) Prior to being informed of the disciplinary action to be taken under this section, the person to be punished shall have the right to demand a trial by court-martial for the offense.

(3) Under such regulations as may be issued pursuant to this chapter, limitations may be placed on the powers granted by this section with respect to the kind and amount of punishment authorized, the categories of commanding officers authorized to exercise such powers, and the applicability of this section to an accused on active service who demands trial by a court-martial.

(4) An officer in charge may, for minor offenses, impose on enlisted persons assigned to the unit of which he is in charge such of the punishments authorized to be imposed by commanding officers as may be specifically prescribed by regulations issued pursuant to this chapter.

(5) Except where punishment has been imposed by the governor, a person punished under this section who considers his punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority. The appeal shall be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged. The officer who imposes the punishment, his successor in command and superior authority may suspend, set aside or remit any part or amount of the punishment and restore all rights, privileges and property affected.

(6) The imposition and enforcement of disciplinary punishment under authority of this section for any act or omission shall not be a bar to trial by court-martial for a serious crime or offense growing out of the same act or omission, and not properly punishable under this section; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

(7) Whenever a punishment of forfeiture of pay and allowances is imposed as provided in this section, the forfeiture may apply to pay or allowances becoming due on or after the date such punishment is imposed and to pay allowances accrued before such a date.

Section 2. KRS 35.085 is amended to read as follows:

General courts-martial shall have jurisdiction to try subject persons for any offense for which they may be punished by this code, and, in connection therewith, shall have the power to fix the following punishments:

[(1) Confinement with hard labor for not exceeding two hundred (200) days;]

(1)[(2)] Fines not exceeding two hundred dollars ($200) *or in lieu of fines, confinement for not more than one day for each dollar of fine authorized herein*;

[(3) Confinement with hard labor in lieu of fines imposed, not exceeding one (1) day for each dollar of fine imposed;]

(2)[(4)] Forfeiture of pay and allowances, not exceeding two hundred dollars ($200);

(3)[(5)] Dismissal, dishonorable or other punitive discharge;

(4)[(6)] Reprimand;

(5)[(7)] Reduction of enlisted personnel to *the lowest enlisted grade* [a lower grade]; or

(6)[(8)] A combination of *these punishments.* [any two (2) or more of the punishments provided herein.]

Section 3. KRS 35.090 is amended to read as follows:

(1) Special courts-martial have jurisdiction to try persons subject to this code, except commissioned officers, for any offense for which they may be punished under this code. A special court-martial has the same powers of punishment as a general court-martial, except that [dismissal, or dishonorable discharge may not be adjudged and] for a single offense, no fine may be more than one hundred dollars ($100) or no confinement may be more than one hundred (100) days.

(2) A bad conduct discharge shall not be adjudged unless a complete record of the proceedings and testimony before the court has been made, and counsel qualified *pursuant to KRS 35.130* [under law] was detailed to represent the accused.

Section 4. KRS 35.095 is amended to read as follows:

(1) Summary courts-martial shall have jurisdiction to try subject persons, except officers, for any offense for which they may be punished by this code.

(2) No person shall be tried by a summary court-martial if, prior to trial, he objects thereto. If objection to trial by summary court-martial is made by such an accused, trial may be ordered by special or general court-martial as is appropriate.

(3) A summary court-martial *shall have the power to fix the following punishments:* [may sentence to a fine of not more than twenty-five dollars ($25.00) for a single offense or to confinement not more than twenty-five (25) days, to forfeiture of pay and allowances, to reduction to a lower grade or any combination of these punishments.]

(a) Fine not exceeding twenty-five dollars ($25.00) for a single offense, or in lieu of fine, confinement for not more than one day for each dollar of fine authorized herein;

(b) Forfeiture of pay and allowances;

(c) Reduction of enlisted personnel to the lowest enlisted grade;

(d) Any combination of these punishments.

Section 5. KRS 35.120 is amended to read as follows:

(1) Any officer of or on duty with the national guard or active militia shall be eligible to serve on all courts-martial for the trial of any person who may lawfully be brought before such courts for trial.

(2) Any warrant officer of or on duty with the national guard or active militia shall be eligible to serve on general and special courts-martial for the trial of any person, other than an officer, who may lawfully be brought before such courts for trial.

(3) (a) Any enlisted member of the national guard or active militia who is not a member of the same unit as the accused is eligible to serve on general and special courts-martial for the trial of any enlisted member, but he shall serve as a member of a court only if, before the conclusion of a session called by the military judge under KRS 35.195 prior to trial or, in the absence of such a session, before the court is assembled for the trial of the accused, the accused personally has requested in writing that enlisted persons serve on it. After such request the accused shall not be tried by a general or special court-martial the membership of which does not include enlisted persons in a number comprising at least one-third (1/3) of the total membership of the court, unless eligible members cannot be obtained on account of physical conditions or military exigencies. If enlisted members cannot be obtained, the court may be convened and the trial held without them, but the convening authority shall make a detailed written statement, to be appended to the record, stating why they could not be obtained.

(b) For the purposes of this section, the word "unit" shall mean a duly organized body of the national guard or active militia not larger than a company or a squadron.

(4) (a) When it can be avoided, no subject person shall be tried by a court-martial any member of which is junior to him in rank or grade.

(b) When convening a court-martial, the convening authority shall detail as members thereof such persons as, in his opinion, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member is eligible to serve as a member of a general or special court-martial when he is the accuser, or a witness for the prosecution, or has acted as investigating officer or as counsel in the same case. [If within the command of the convening authority there is present and not otherwise disqualified a commissioned officer who is a member of the bar of the highest court of this state and of appropriate rank and grade, the convening authority shall appoint him as president of a general or special court-martial. Although this requirement is binding on the convening authority, failure to meet it in any case does not divest a military court of jurisdiction.]

Section 6. KRS 35.140 is amended to read as follows:

Under such regulations as the adjutant general may prescribe, the convening authority *for each general or special court-martial shall cause a complete record to be kept of all proceedings and testimony before the court. A competent court reporter shall be detailed to take a verbatim record of all general courts-martial. A special court-martial may not adjudge a bad conduct discharge unless a competent court reporter was detailed to take a verbatim record. The record of any other court-martial, military commission or court of inquiry may be taken by a court reporter, a notary public, or other officer competent to swear witnesses and*

summarize testimony. The convening authority may appoint an interpreter who shall interpret for the court or commission. [of a court-martial, military commission, or court of inquiry shall appoint qualified court reporters, who shall record the proceedings of and testimony taken before such court or commission. Under like regulations the convening authority of a court-martial, military commission, or court of inquiry may appoint an interpreter who shall interpret for the court or commission.]

Section 7. KRS 35.270 is amended to read as follows:

(1) [General and special courts-martial shall keep a verbatim record of the trial of each case.] Upon request of the accused or a reviewing authority, or the state judge advocate, the record *of a general or special court-martial* shall be transcribed and authenticated by the president and the military judge. If the record cannot be authenticated by either the president or the military judge by reason of his death, disability or absence, it shall be signed by a member in lieu of him. If both the president and the military judge are unavailable, the record shall be authenticated by two (2) members. In all other courts-martial, records of trial shall contain such matter and be authenticated in such manner as the governor by regulation prescribes.

(2) A copy of the record of each general and special court-martial shall be given to the accused as soon as it is authenticated.

Section 8. KRS 36.082 is amended to read as follows:

(1) This section may be cited as the national guard facilities construction act.

(2) The purpose of this section is to provide funds for the construction of national guard facilities at the following locations, at the estimated cost shown:

Location	Facility	Estimated Cost Expected	
		Federal Funds	State Funds
Louisville	Maintenance Shop	75,000	6,000
Hickman	Armory	210,000	80,000
Lexington	Armory	340,000	145,000
Lexington	Maintenance Shop	75,000	6,000
Frankfort	Aviation Maintenance Shop	85,000	6,800
Ravenna	Armory	190,000	75,000
Russellville	Armory	170,000	70,000
Frankfort	Dept. of Military Affairs Bldg. and State Govt. Emergency Operations Center	250,000	470,000
TOTAL		$1,395,000	$ 858,800

Any of these facilities may be constructed at such other locations at which national guard units may be established.

(3) Proceeds from the sale of facilities now held by the department of military affairs which are obsolete or surplus to the needs of the department shall be deposited to the capital construction fund to the credit of the department of military affairs. Such amounts credited and such additional funds as are available for general use within the capital construction fund may be used *for construction of facilities for the department of military affairs* to carry out the provisions of this section. Any unexpended balances remaining at the close of a fiscal year, shall not lapse, but shall carry forward into subsequent fiscal years. Upon certification by the adjutant general that any project *which was planned in anticipation of receipt of federal funds, that such federal funds will not be received on a timely basis, state funds designated for such projects may revert to capital construction fund to the credit of the department of military affairs for other construction projects.* [as listed in subsection (2) of this section is not supported by federal funds on a timely basis, the corresponding state funds may revert to the capital construction fund for general use.]

Section 9. KRS 36.140 is amended to read as follows:

(1) Officers and enlisted men *ordered into active field service pursuant to KRS 37.240 or into active state service as defined in KRS 38.010(4) as individuals shall be entitled to reimbursement out of the state treasury for expense of transportation and for other expenses actually incurred pursuant to KRS 45.180 and the regulations promulgated thereunder, and, when government supplied quarters and mess facilities are not available to such officers and enlisted men without cost, they shall be entitled to reimbursement out of the state treasury for subsistence pursuant to KRS 45.180.* [employed by the department of military affairs shall be entitled to pay from the state for active state service, as defined in subsection (4) of KRS 38.010, or they shall be entitled to pay as an employe of the department, but not both. When serving under orders beyond the limits of the city to which they are assigned, they are entitled to actual expenses or nine dollars ($9.00) per diem for travel in the state and twelve dollars ($12.00) per diem for travel without the state plus the approved

mileage allowance for transportation when so provided in the order under which such duty is performed.]

(2) Nothing in this section shall be construed to prevent such *officers and* employes *of state departments and agencies* from receiving fifteen (15) days annual military leave with pay.

Section 10. KRS 37.170 is amended to read as follows:

(1) The governor is hereby authorized to enlist, organize, maintain, equip, discipline and pay when called into active field service a volunteer defense force other than the national guard, to be known as the Kentucky active militia, which shall consist of able-bodied *citizens* [males] who are residents of the state of Kentucky [and who are] between the ages of eighteen (18) and sixty-four (64) *who are not active members of a reserve component of the armed forces of the United States.*

(2) Whenever the president of the United States shall call any part of the national guard of this state into active federal service, the governor is hereby authorized to organize the Kentucky active militia under such regulations as the secretary of defense may prescribe for discipline and training.

(3) The governor shall have the power to alter, divide, annex, disband or reorganize any organization of the Kentucky active militia whenever in his judgment the efficiency of the state forces will thereby be increased, and he shall have power to change the organization so as to conform to the regulations now or hereafter prescribed by the laws of the United States for the organization of the national guard or militia.

Section 11. KRS 37.285 is amended to read as follows:

The department of military affairs shall [have the power to] accept the provisions of KRS chapter 342 for the benefit of members of the Kentucky active militia while such members are on active state service.

Section 12. KRS 37.990 is amended to read as follows:

[(1) Any officer or soldier of the Kentucky active militia who shall refuse or neglect to obey the orders of the commanding officer or of any officer or noncommissioned officer legally appointed as his superior, or who shall wilfully fail to report for or attend any duly prescribed drill or formation or who shall wilfully breach the discipline or infringe any of the rules and regulations prescribed for said Kentucky active militia shall be guilty of a misdemeanor and shall be punishable in courts of criminal jurisdiction by a fine of not less than one dollar ($1.00) or more than twenty-five dollars ($25.00) for each offense, and costs.]

(1)[(2)] Any person, other than a member of the Kentucky active militia, who shall wear any uniform or insignia or badge duly authorized as a designation of an officer or an enlisted man of the Kentucky active militia, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than *ten dollars ($10.00)* [one dollar ($1.00)] nor more than *one hundred dollars ($100.00)* [ten dollars ($10.00)].

Section 13. KRS 38.030 is amended to read as follows:

(1) *Units of the Kentucky National Guard may be ordered into active state service only by the governor. Individual officers, warrant officers, and enlisted personnel may be ordered into active state service by order of the governor.* The governor may direct the commanding officer of the troops ordered into active state service for the purpose of resisting invasion, suppressing rebellions, insurrections, riots or threats thereof; suppressing any active, unlawful or threatened violence to persons or property in this state; authorizing the arrest of all persons engaged in aiding or abetting therein; investigating any acts of treason, sabotage or attempted sabotage and to cause the arrest of such persons engaged therein or aiding and abetting; and/or protecting life and property in the event of the emergency or disaster. The governor may by his order prescribe the duty to be performed by the troops thus called into active field service.

(2) The governor may direct the commanding officer of such military forces thus ordered into service to report to any of the following named civil officers of the district, county, city or town:[;] circuit judge, sheriff, county judge or mayor; and such civil officers may direct the specific object to be accomplished by such military force, but the tactical direction and disposition of the troops and the particular means to be employed to accomplish the object shall be left solely to the officers of the national guard.

(3) Troops shall not be relieved from active field service except by order of the governor.

Section 14. KRS 38.040 is amended to read as follows:

(1) All commissioned officers and warrant officers of the Kentucky national guard shall be appointed by the governor, upon the recommendation of the adjutant general and the commanding officers of the organizations to which such officers are to be assigned for duty, and shall be appointed according to grade in the branch or corps of the service in which they are appointed. No officer or warrant officer shall be appointed *unless he is eighteen years of age or older and* until he shall have successfully passed such tests as to his physical, moral and professional fitness as are or shall be prescribed by federal law for federal recognition as an officer.

(2) All appointments as staff officers shall be of individuals with previous military experience.

(3) The governor may issue such regulations governing the appointment of commissioned officers and warrant officers in the Kentucky national guard as may be necessary in order to conform to the requirements made by congress for participation in federal appropriations for the Kentucky national guard.

(4) No officer or warrant officer except the adjutant general shall retain the grade to which he may have been appointed or promoted unless, within a reasonable length of time, he obtains federal recognition for

such grade.

Section 15. KRS 38.090 is amended to read as follows:

(1) All able-bodied citizens of *the United States* [Kentucky], of good character, who can read and write the English language, who are between the ages of seventeen (17) and thirty-five (35) years with no prior service; between thirty-six (36) and under thirty-eight (38) with one (1) year of service; thirty-eight (38) and under forty-one (41) with two (2) years of service and forty-one (41) and under fifty-seven (57) with two (2) years plus the number of years applicant is over age forty (40), and who have passed the required physical examination and who are not ineligible for enlistment or re-enlistment in the armed forces of the United States, subject to current United States armed forces regulations covering enlistments and re-enlistments, may be enlisted or re-enlisted in the Kentucky national guard for a term of one or more years.

(2) No person dishonorably discharged or discharged without honor from the armed forces of the United States shall be eligible for enlistment in the Kentucky national guard.

(3) Every person who enlists or re-enlists shall sign and make oath to an enlistment paper before an officer authorized to accept enlistments.

(4) Enlisted persons may be transferred to or from organizations, as provided by regulations.

(5) By order of the governor in case of emergency, enlistments in the Kentucky national guard may be extended for one (1) year.

Section 16. KRS 38.430 is amended to read as follows:

Officers, warrant officers, and enlisted men of the Kentucky national guard, [while in active state service,] going to or returning from any parade, encampment, drill or meeting they are required by proper authority to attend, shall, together with their vehicular conveyances, animals and military property in their custody, be allowed to pass free through tollgates and over all interstate and intrastate toll bridges and ferries if they are in uniform or present a written order signed by an officer of the Kentucky national guard.

Section 17. KRS 38.470 is amended to read as follows:

When the Kentucky national guard or Kentucky active militia is called into active state service by the governor for any purpose, requiring the service of members thereof who are students in any institution of learning in the state, no teacher, professor, principal or president of the institution shall discriminate against any such student by reason of his absence, but shall credit him with all academic work accomplished to the date of his absence. *Students shall be given reasonable time to make up work missed as a result of a call to active state service.*

Section 18. KRS 37.280, 37.290, 37.300, 38.210 and 38.220 are repealed.

SB 152, AN ACT relating to the Kentucky National Guard.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 38.270 is amended to read as follows:

(1) Units allotted to the Kentucky national guard by the United States department of defense and accepted by the governor, shall be maintained by the state and furnished with adequate and suitable armory accommodations, ranges, and camp grounds.

(2) The state shall provide such arms, equipment, colors, camp and garrison equipage, books of instruction and of record and other supplies as are necessary for the proper performance of the duties required by this chapter.

(3) Every commissioned officer *or warrant officer* shall provide himself, at his own expense, with uniforms and equipment required to be worn by officers of his rank. *The department may provide a $150 uniform allowance for each newly commissioned officer or warrant officer.*

SB 153, AN ACT relating to National Guardsmen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 18.210 is amended to read as follows:

The commissioner of personnel shall prepare and submit to the personnel board proposed rules for the classified service. Such rules shall have the force and effect of law, when approved by the board, after public notice and public hearing. If not disapproved by the board within forty-five (45) days after the submission

thereof, they shall have the same force and effect as if approved. Amendments thereto may be made in the same manner, or on the initiative of the board. The rules shall provide:

(1) For the preparation, maintenance and revision of a position classification plan for all positions in the classified service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class. After such classification has been approved by the board, the commissioner shall allocate the position of every employe in the classified service to one (1) of the classes in the plan. Any employe affected by the allocation of a position to a class shall, after filing with the commissioner of personnel a written request for reconsideration thereof in such manner and form as the commissioner may prescribe, be given a reasonable opportunity to be heard thereon by the commissioner;

(2) For a pay plan for all employes in the classified service, after consultation with appointing authorities and the commissioner of finance. The plan shall take into account such factors as (a) the relative levels of duties and responsibilities of various classes of positions; (b) rates paid for comparable positions elsewhere; and (c) the state's financial resources. Such pay plan shall become effective only after it has been approved by the governor after submission to him by the board. Amendments to the pay plan may be made in the same manner. Each employe shall be paid at one (1) of the rates set forth in the pay plan for the class of position in which he is employed;

(3) For open competitive examinations to test the relative fitness of applicants for the respective positions. Such examinations shall be announced publicly at least fifteen (15) days in advance of the date fixed for the filing of applications therefor, and may be advertised through the press, radio and other media. The commissioner shall continue to receive applications and examine candidates on a continuous basis long enough to assure a sufficient number of eligibles to meet the needs of the service, and shall add the names of successful candidates to existing eligible lists in accordance with their respective ratings. The commissioner shall be free to use any investigation of education and experience and any test of capacity, knowledge, manual skill, character, personal traits, or physical fitness which in his judgment serves the need to discover the relative fitness of applicants;

(4) For the granting of appropriate preference in original entrance examinations to qualified persons who have been members of the armed forces of the United States [in time of war], and who were honorably discharged *, or who have served not less than three years in the Kentucky National Guard and are continuing to serve, or who have been honorably discharged after at least three years' service* . Such preference shall be in the form of points added to the final passing grades of such persons on original entrance examinations, Provided That they otherwise qualify and are entitled to appear on the list of those eligible for appointment. The *total* preference *per applicant* may be as much as five (5) points for nondisabled persons, and as much as ten (10) points for persons currently receiving compensation from the United States veterans' administration for war-service-incurred disabilities certified as compensable. The rank of such persons on the eligible list shall then be determined on the basis of their augmented rating;

(5) For promotions which shall give appropriate consideration to the applicant's qualifications, record of performance, conduct and seniority. Vacancies shall be filled by promotion whenever practicable and in the best interest of the service;

(6) For the establishment of eligible lists for appointment, upon which lists shall be placed the names of successful candidates in the order of their relative excellence in the respective examinations. Eligibility lists shall expire automatically at the end of two (2) years, unless the life of a list is extended by action of the personnel board for a period not to exceed one (1) additional year;

(7) For the rejection of candidates or eligibles who fail to comply with reasonable requirements of the commissioner in regard to such factors as age, physical condition, training and experience, or who have been guilty of infamous or disgraceful conduct; who are addicted to alcohol to excess or to narcotics, or who have attempted any deception or fraud in connection with an examination;

(8) For the appointment of a person whose score is included in the three (3) highest scores earned on the examination;

(9) For a period of probation not to exceed one (1) year before appointment or promotion may be made complete, and during which period a probationer may be discharged or reduced in class or rank, or replaced on the eligible list. The appointing authority shall, within thirty (30) days prior to the expiration on an employe's probationary period, notify the commissioner in writing whether the probationary employe is recommended for permanent status. Only if the appointing authority certifies to the satisfactory nature of the probationary employe's services, shall permanent status be conferred;

(10) For emergency employment for not more than thirty (30) days with or without examination, with the consent of the commissioner;

(11) For provisional employment without competitive examination when there is no appropriate eligible list available. No such provisional employment shall continue longer than six (6) months, nor shall successive provisional appointment be allowed, except during the first year after July 1, 1960 in order to avoid stoppage of orderly conduct of the business of the commonwealth;

(12) For transfer from a position in one (1) department to a similar position in another department involving similar qualifications, duties, responsibilities, and salary ranges;

(13) For reinstatement within not more than five (5) years, only with the approval of the commissioner, of persons who resign in good standing or who are laid off from their positions without fault or delinquency on their part;

(14) For developing, in cooperation with the appointing authorities, uniform standards and methods of appraising work performance of all employes and for the use of such methods of appraisal in personnel actions;

(15) For lay-offs by reasons of lack of funds or work, or abolishment of a position, or material change in duties or organization, and for reinstatement of employes so laid off, giving consideration in both lay-offs and re-employment to qualifications, performance records, conduct and seniority in service;

(16) For imposition as disciplinary measures of a fine of not more than ten (10) days' pay or for suspension from the service without pay for not longer than thirty (30) days;

(17) For discharge or reduction in rank or grade only for cause, after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction stated in writing, and has been allowed a reasonable time to reply thereto in writing, or, upon request, to appear personally with counsel and reply to the head of the department or his deputy. The statement of reasons and the reply shall be filed as a public record with the commissioner;

(18) For establishment of a plan for resolving employe grievances and complaints;

(19) For annual, sick and special leaves of absence, with or without pay, or reduced pay, after approval by the governor as provided in KRS 18.170 (2);

(20) For the development and operation of programs to improve the work effectiveness of employes in the state service, including training, whether in-service or compensated educational leave, safety, health, welfare, counseling, recreation, and employe relations;

(21) For promotion of career employes to positions in the unclassified service without loss of status to the individual employes so promoted;

(22) For such other rules and administrative regulations, not inconsistent with KRS 18.110 to 18.340, as may be proper and necessary for its enforcement.

SB 154, AN ACT relating to the National Guard.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 38.205 is amended to read as follows:

Except when in the service of the United States, officers and enlisted men, when employed in active state service, beginning with the day they assemble at their armories or other designated places until the day they return thereto and have been properly relieved, inclusive, fractional parts of a day counting as a full day, shall receive pay at the same rate as though serving on active duty as a member of the armed forces of the United States,[.]*but the rate shall not be less than $25.00 per day.* Members of the Kentucky national guard may, however, with their consent, be ordered to active state service in a nonpay status.

SB 155, AN ACT relating to the dependents of National Guardsmen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 164.505 is amended to read as follows:

(1) Any person whose parent was a resident of the Commonwealth of Kentucky upon *joining the Kentucky National Guard or* entrance into military service and who was killed while serving in *state active duty, active duty for training, inactive duty training with the Kentucky National Guard or* in the armed forces of the United States during *a national emergency, or* wars declared by Congress or actions of the United Nations or who died as a result of a service connected disability shall not be required to pay any matriculation or tuition fee upon his admission to any state supported *university, junior college or vocational training institution.* [of higher education.]

(2) In order to obtain the benefits conferred by subsection (1),[the applicant therefor must have resided in Kentucky for five years next preceding his application for admission, and] the parent-child relationship

must be shown by birth certificate, adoption papers or other documentary evidence. The parent's service and the cause of death must be evidenced by certification from the *records of the Kentucky Department of Military Affairs or the* Veterans' Administration records, [its successor] or the Department of Defense of the United States. In event one so admitted to a state supported *university, junior college or vocational training* institution [of higher education] under the provisions of this section shall have obtained a cash scholarship paid or payable to such institution, from whatever source, the amount of such scholarship shall be applied to the credit of such applicant in the payment of incidental expenses of his attendance at such institution, and any balance, if the terms of the scholarship permit, shall be returned to such applicant.

Section 2. KRS 164.515 is amended to read as follows:

(1) *The spouse, regardless of age, and any* [Any] child or orphan of a permanently and totally disabled *member of the Kentucky National Guard injured while on State active duty, active duty for training, or inactive duty training, a permanently and totally disabled* war veteran or prisoner of war or member of the armed services declared missing in action, who is over the age of seventeen and under the age of twenty-three shall not be required to pay any matriculation or tuition fee upon his admission to any state supported institution of higher education or to any state supported vocational training school for a period not in excess of thirty-six months in order to obtain a diploma, nor in excess of the lesser number of months required for a certificate of completion.

(2) To be entitled to benefits under this section the parent of the child claiming benefits if living must be rated permanently and totally disabled for pension purpose or one hundred per cent disabled for compensation purposes by the United States Veterans' Administration of the Department of Defense or if deceased the claim to benefits is to be based on the rating held by the veteran at the time of death or if a prisoner of war or missing in action, must have been declared as such by the department of defense. *Members of the Kentucky National Guard must be rated permanently and totally disabled as provided in KRS Chapter 342.* The *parent's or spouse's* [father's] service must be evidenced by certification from the *records of the Kentucky Department of Military Affairs,* Veterans' Administration records, [its successor] or the Department of Defense of the United States.

(3) In the absence of certification of permanent and total disability by *the Kentucky Workmen's Compensation Board,* the United States Veterans' Administration or the Department of Defense, medical evidence showing permanent and total disability or the existence of permanent and total disability for a period of at least thirty days immediately prior to death may be accepted, if this evidence is signed by a physician licensed to practice [in the Commonwealth of Kentucky] or an official of an accredited medical hospital [in the Commonwealth of Kentucky].

(4) The parent-child relationship must be shown by birth certificate, legal adoption papers or other documentary evidence. *The spousal relationship must be shown by a marriage certificate or other documentary evidence.*

(5) To entitle a *spouse,* child or orphan to benefit under this section the disabled *member of the National Guard or* war veteran living or deceased must have served *on state active duty, active duty for training, or inactive duty training with the National Guard or* during time of war or the Korean conflict or subsequent periods of *federally* recognized hostilities in the Armed Forces of the United States, and his discharge therefrom must have been under honorable conditions. He must be a resident or if deceased, was a resident of the Commonwealth of Kentucky[, and his residency must have been for a period of not less than five years immediately preceding June 16, 1966].

[(6) To receive benefits under this section an eligible *spouse,* child, or orphan, must be a graduate of an accredited high school as recognized by the State Department of Education.]

(6)[(7)] No provision of this section shall serve to deny these benefits to an eligible *spouse,* child, or orphan, who enlists, or who fulfills a military obligation, in the Armed Forces of the United States and is discharged therefrom under honorable conditions; such period of time spent in the military service to be compensated by like time, beyond the age of 23 years if required, but not in excess of the period of enrollment as set forth in subsection (1) above.

(7)[(8)] The marriage of an eligible child, or orphan, shall not serve to deny full entitlement to the benefits provided in this section.

SB 185, AN ACT relating to the Military.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 68.197 is amended to read as follows:

(1) The fiscal court of each county having a population of 50,000 or more, may by order or resolution impose license fees on franchises, provide for licensing any business, trade, occupation or profession, and the using, holding or exhibiting of any animal, article or other thing. License fees on such business, trade, occupation, or profession for revenue purposes, except those of the common schools, shall be imposed at a percentage rate not to exceed one per cent (1%) of (a) salaries, wages, commissions and other compensation earned by persons within the county for work done and services performed or rendered in the county, and (b) the net profits of businesses, trades, professions or occupations from activities conducted in the county. License imposed for regulatory purposes are not subject to such limitations as to form and amount. No public service company that pays an ad valorem tax is required to pay a license tax, and no license tax shall be imposed upon or collected from any insurance company, bank, trust company, combined bank and trust company, or combined trust, banking and title business in this state, or in other cases where the county is prohibited by law from imposing a license tax.

(2) No such license fee shall be imposed or collected on income received by members of the Kentucky National Guard for active duty training, unit training assemblies and annual field training.

(3) [(2)] No order or resolution of the fiscal court imposing license fees pursuant to subsection (1) of this section shall be valid until it is approved by a majority of the voters of the county at an election called by the fiscal court.

(4) [(3)] The election in any county shall be held not less than fifteen (15) nor more than sixty (60) days from the time a resolution calling the election is adopted by the fiscal court. The election may be held at the same time as the regular election in November or on any Saturday at any other time in the year. The election shall be conducted and carried out in the county in all respects as required by the general election laws and shall be held by the same officers as required by the general election laws. The expense of the election if held on the regular election day in November shall be borne by the fiscal court.

Section 2. KRS 91.200 is amended to read as follows:

(1) The board of aldermen of every city of the first class, in addition to levying ad valorem taxes, may by ordinance impose license fees on franchises, provide for licensing any business, trade, occupation or profession and the using, holding or exhibiting of any animal, article or other thing. License fees on a business, trade, occupation or profession for revenue purposes may be imposed at a percentage rate not to exceed those hereinafter set forth on (a) salaries, wages, commissions and other compensations earned by every person within the city for work done and services performed or rendered in the city, (all of such being hereinafter collectively referred to as "wages"), and (b) the net profits of all businesses, professions or occupations from activities conducted in the city (hereinafter collectively referred to as "net profits"). Licenses imposed for regulatory purposes shall not be subject to such limitations as to form and amount. No company that pays an ad valorem tax and a franchise tax is required to pay a license tax and no license tax shall be imposed upon or collected from any bank, trust company, combined bank and trust company or combined trust, banking and title business in this state, *or upon income received by members of the Kentucky National Guard for active duty training, unit training assemblies and annual field training,* or in any other case where the city is prohibited by statute from imposing a license tax.

(2) The rate fixed on both "wages" and "net profits" shall be one and one-fourth per cent (1 1/4%).

(3) License fees or taxes shall be collected by the commissioners of the sinking fund. The proceeds from the taxes shall be paid to the secretary and treasurer of the sinking fund until income from all sources of the sinking fund is sufficient to pay the cost of administration and the interest charges for the current fiscal year of the sinking fund in addition to a sum sufficient to amortize the outstanding principal indebtedness of the city on a yearly basis in accordance with regularly used amortization tables.

(4) Revenue remaining after meeting the foregoing requirements shall be transferred to the city. Such revenues shall be credited to the general fund of the city as received and may be expended for general purposes or for capital improvements.

(5) The term "capital improvements" as used in this section is limited to additions or improvements of a substantial and permanent nature and services rendered in connection therewith, and includes but is not limited to (a) the purchase of rights of way for highways, expressways and the widening of existing streets, (b) the purchase of lands for park, recreational and other governmental facilities and for public off-street parking facilities, (c) the purchase, construction, reconstruction, renovation or remodeling of municipal buildings, and facilities, (d) the replacement of machinery, wires, pipes, structural members or fixtures and other essential portions of municipal buildings, (e) the initial equipment of any newly-acquired facility wherein any essential governmental function of the municipality may be located or carried on, (f) the purchase and installation of traffic control devices and fire alarm equipment, (g) the reconstruction and resurfacing, but not routine maintenance, of streets and other public ways, (h) the acquisition of motorized equipment purchased as additions to, but not replacements for, existing equipment, and, (i) engineering and other costs incurred by the city in connection with the construction of public improvements financed under a special assessment plan or plans authorized in KRS chapter 93.

(6) Ad valorem taxes for the benefit of the sinking fund shall not be levied unless the income of the sinking fund is otherwise insufficient to meet such requirements.

(7) Licenses shall be issued and enforced on terms and conditions as prescribed by ordinance.

Section 3. KRS 92.300 is amended to read as follows:

(1) The legislative body of any city of the second to sixth class may by ordinance exempt manufacturing establishments from city taxation for a period not exceeding five (5) years as an inducement to their location in the city. In cities of the third class, two-thirds (2/3), of the members of the city legislative body must concur for this purpose.

(2) No city of the second to sixth class *or urban county government* may impose or collect any license tax upon any bank, trust company, combined bank and trust company, or trust, banking and title insurance company organized and doing business in this state, *or upon income received by members of the Kentucky National Guard for active duty training, unit training assemblies and annual field training.*

(3) Unpaid volunteer members of fire companies in cities of the fourth class shall be exempt from city poll taxes so long as they remain active members.

SB 222, AN ACT relating to Disaster and Emergency Services.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 39.400 is amended to read as follows:

In order to minimize the destructiveness resulting from fire, flood, tornado, other natural or man caused disasters, riot, enemy attack, sabotage, explosion, power failure, energy shortages, transportation emergencies or other causes, and the threatened or impending happening of any of the above, and in order to insure that preparations and response for this state will be adequate to deal with disaster or emergencies or the threat of same and in order to preserve life and property of the people of this state and to protect the public peace, health and safety, it is hereby found and declared to be necessary:

[In order to minimize the destructiveness resulting from enemy attack, sabotage or other hostile action, or by fire, flood, or other causes, and in order to insure that preparations of this state will be adequate to deal with disasters or emergencies, to preserve the lives and property of the people of this state, and generally to protect the public peace, health and safety, it is hereby found and declared to be necessary:]

(1) To create a *Division of Disaster and Emergency Services* [state civil defense agency] and to authorize the creation of local organizations for *emergency response* [civil defense] in the counties and cities of the state;

(2) To confer upon the governor and the chief executive officers of the counties and cities of the state the emergency powers provided herein;

(3) To provide for the rendering of mutual aid among the counties and cities of the state, and with other states and with the federal government with respect to the performance of *emergency response* [civil defense] functions; and

(4) To authorize the establishment of such organizations and the taking of such steps as are necessary and appropriate to carry out the provisions of *this Act* [KRS 39.400 to 39.432 and 39.990].

Section 2. KRS 39.401 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Disaster and emergency response" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from fire, flood, tornado, other natural or man caused disasters, riot, enemy attack, sabotage, explosion, power failure, energy shortages, transportation emergencies or other causes, and the threatened or impending happening of any of the above, and in order to insure that preparations and response for this State will be adequate to deal with disaster or emergencies or the threat of same.

[(1) "Civil defense" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces or other federal agencies are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action, or by fire, flood or other causes.] These functions include, without limitation, fire fighting services, police services, medical and health services, *ambulance service,* rescue, *search and rescue,* engineering, [air raid] warning services, communications, radiological, chemical and other *monitoring, decontamination and neutralization,* [special weapons of defense,] evacuation of persons from stricken areas, emergency welfare services, emergency transportation, plant protection, temporary restoration of public utility services, and other functions related to *effective reaction to a disaster or emergency situation* [civilian

protection], together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions;

(2) "Declared emergency" means any incident or situation declared as such by executive order of the Governor pursuant to the provisions of this Act.

(3)[(2)] "Civil Defense Agency" means the Department of Military Affairs.

(4) "Director" means the Adjutant General of the Commonwealth of Kentucky.

(5) "Division" means the division of Disaster and Emergency Services of the Department of Military Affairs.

(6) "Disaster" means any incident or situation declared as such by executive order of the governor pursuant to the provisions of this Act or by the President of the United States pursuant to federal law.

Section 3. KRS 39.408 is amended to read as follows:

In performing his duties under *this Act* [KRS 39.400 to 39.432 and 39.990], the *Adjutant General, with approval of the Governor,* [governor] is authorized and empowered:

[(1) To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of KRS 39.400 to 39.432 and 39.990, with due consideration of the plans of the federal government;]

(1)[(2)] To prepare a comprehensive plan and program for the *disaster and emergency response* [civil defense] of this state, such plan and program to be integrated into and coordinated with the *disaster and emergency response* [civil defense] plans of the federal government and of other states to the fullest possible extent, and to coordinate the preparation of plans and programs for *disaster and emergency response* [civil defense] by the counties and cities of this state, such plans to be integrated into and coordinated with the *disaster and emergency response* [civil defense] plan and program of this state to the fullest possible extent;

(2)[(3)] In accordance with such plan and program for the *disaster and emergency response* [civil defense] of this state, to ascertain the requirements of the state and of the counties and cities thereof for food or clothing or other necessities of life in the event of *disaster or* attack and to plan for and procure supplies, medicines, materials, and equipment, and to use and employ from time to time any of the property, services, and resources within the state, for the purposes set forth in *this Act* [KRS 39.400 to 39.432 and 39.990]; to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of *disaster and emergency response* [civil defense] organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of *disaster and emergency response* [civil defense] personnel in time of need;

(3)[(4)] To cooperate with the president of the United States, the chiefs of the armed forces, and the civil *preparedness* [defense] agency of the United States, and officers and agencies of other states in matters pertaining to the *disaster and emergency response* [civil defense] of the state and nation and the incidents thereof; and in connection therewith, to take any measures which he may deem proper to carry into effect any request of the president and the appropriate federal officers and agencies, for any action looking to civil *preparedness* [defense], including the direction or control of blackouts and practice blackouts, [air-raid drills,] mobilization of *disaster and emergency response* [civil defense] forces, and other tests and exercises, warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith, the effective screening or extinguishing of all lights and lighting devices and appliances, the shutting off of water mains, gas mains, electric power connections and the suspension of all other utility services, the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, prior and subsequent to drills or attack, public meetings or gatherings and the evacuation and reception of the civilian population;

(4)[(5)] To take such action and give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of *this Act* [KRS 39.400 to 39.432 and 39.990], and with the orders, rules, and regulations made pursuant thereto;

(5)[(6)] To employ such measures and give such directions to the state or local boards of health as may be reasonably necessary for the purpose of securing compliance with the provisions of *this Act* [KRS 39.400 to 39.432 and 39.990], or with the findings or recommendations of such boards of health by reason of conditions arising from *disasters, emergency situations,* enemy attack or the threat *thereof* [of enemy attack] or otherwise;

(6)[(7)] To utilize the services and facilities of existing officers and agencies of the state and of the political subdivisions thereof; and all such officers and agencies shall cooperate with and extend their services and facilities to the *director* [governor] as he may request;

(7)[(8)] To establish agencies and offices and to appoint executive, technical, clerical, and other personnel as may be necessary to carry out the provisions of *this Act* [KRS 39.400 to 39.432 and 39.990, including, with due consideration to the recommendations of the local authorities, full-time state and regional area directors];

(8)[(9)] To delegate any authority vested in him under *this Act* [KRS 39.400 to 39.432 and 39.990], and to provide for the subdelegation of any such authority;

(9)[(10)] On behalf of this state, *pursuant to Executive Order of the Governor or Act of the General Assembly,* to enter into reciprocal aid agreements or compacts with other states and the federal government, either on a statewide basis or local county or city basis or with a neighboring state or province of a foreign country. Such mutual aid agreements shall be limited to the furnishing or exchange of food, clothing, medicine, and other supplies, engineering services, emergency housing, police services, national or state guards while under the control of the state, health, medical, and related services, fire fighting, rescue, transportation, and construction services and equipment, personnel necessary to provide or conduct these services, and such other supplies, equipment, facilities, personnel, and services as may be needed, the reimbursement of costs and expenses for equipment, supplies, personnel, and similar items for mobile support units, fire fighting, and police units and health units, and on such terms and conditions as are deemed necessary;

(10)[(11)] To sponsor and develop mutual aid plans and agreements among the counties and cities of the state, similar to the mutual aid arrangements with other states referred to above.

Section 4. A new section of KRS Chapter 439 is created to read as follows:

(1) The Governor shall have the authority to make, amend, and rescind the necessary executive orders to carry out the provisions of this Act.

Section 5. KRS 39.409 is amended to read as follows:

In the event of *occurrence or threatened or impending occurrence of any of the situations or events contemplated by Section 1 or 2 of this Act* [actual enemy attack against the United States], the governor may declare that a state of emergency exists, and thereafter the governor shall have and may exercise for such period as such state of emergency exists or continues, the following [additional] emergency powers:

(1) To enforce all laws, rules, and regulations relating to *disaster and emergency response* [civil defense] and to assume direct operational control of all *disaster and emergency response* [civil defense] forces and helpers in the state;

(2) To seize, take, or condemn property for the protection of the public or at the request of the president, the armed forces or the *defense civil preparedness* [civil defense] agency of the United States, including:

(a) All means of transportation and communication;

(b) All stocks of fuel of whatever nature;

(c) Food, clothing, equipment, materials, medicines, and all supplies; and

(d) Facilities, including buildings and plants;

(3) To sell, lend, give, or distribute all or any such property among the inhabitants of the state and to account to the state treasurer for any funds received for such property;

(4) To make compensation for the property so seized, taken, or condemned;

(5) To exclude all nonessential personnel from the scene of such emergency, and to command persons or groups assembled at said scene to disperse;

(6) To declare curfews and establish the limits of same;

(7) To prohibit or limit the sale or consumption of goods or commodities for the duration of the emergency;

(8)[(5)] To perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population.

Section 6. KRS 39.410 is amended to read as follows:

In case property is taken for temporary use, *pursuant to the provisions of this Act,* the governor shall, within thirty (30) days of the taking, fix the amount of compensation to be paid therefor. In case such property shall be returned to the owner in a damaged condition or shall not be returned to the owner, the governor shall, within thirty (30) days after the taking, fix the amount of compensation to be paid for such damage or failure to return. Whenever the governor shall deem it advisable for the state to take title to property taken under this section, he shall forthwith cause the owner of such property to be notified thereof in writing by registered mail, postage prepaid, and forthwith cause to be filed a copy of said notice with the secretary of state.

Section 7. KRS 39.413 is amended to read as follows:

(1) If the owner of property seized, taken or condemned accepts as adequate the compensation fixed by the governor, he shall file a statement of the amount of compensation from the governor to the department of finance which shall draw a warrant on the state treasurer for the amount of the compensation, in favor of the person entitled to payment.

(2) If the compensation is determined by award of the board of claims or judgment of a court, as provided in *this Act* [KRS 39.400 to 39.432 and 39.990], a certified copy of such award or judgment shall be filed with the department of finance which shall draw a warrant on the state treasurer for the amount of the award or judgment.

(3) The state treasurer shall pay such warrants out of any money in the treasury not otherwise appropriated.

Section 8. KRS 39.414 is amended to read as follows:

(1) The director of each local organization for *disaster and emergency response* [civil defense] may develop or cause to be developed mutual aid arrangements with other public and private agencies within this state for reciprocal *disaster and emergency response* [civil defense] aid and assistance in case of disaster *or other emergency* too great to be dealt with unassisted. Counties and cities may confer or authorize the conferring upon members of the auxiliary police the powers of peace officers, subject to such restrictions as shall be imposed. Such arrangements shall be consistent with the state *disaster and emergency response* [civil defense] plan and program, and in time of emergency it shall be the duty of each local organization for *disaster and emergency response* [civil defense] to render assistance in accordance with the provisions of such mutual aid arrangements.

(2) The director of each local organization for *disaster and emergency response* [civil defense] may assist in negotiation of reciprocal mutual aid agreements between the governor and the adjoining states (including foreign states or provinces) or political subdivisions thereof, and shall carry out arrangements or any such agreement relating to the local and political subdivision.

Section 9. KRS 39.415 is amended to read as follows:

(1) Each county, *metropolitan government,* or [and] city of this state *shall* [is hereby authorized and directed to] establish a local organization for *disaster and emergency response* [civil defense] plan and program. The county judge of each county and the chief executive of each city or governing body thereof *shall* [is authorized to] appoint a director who shall have direct responsibility for the organization, administration and operation of such local organization for *disaster and emergency response* [civil defense], subject to the direction and control of such appointing officer or governing body. Each local organization for *disaster and emergency response* [civil defense] functions within the territorial limits of the county or city within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of *this Act* [KRS 39.400 to 39.432 and 39.990].

(2) Counties, metropolitan governments, and cities may, in lieu of providing separate disaster and emergency response programs, join in a cooperative or interjurisdictional program provided such program:

(a) Meets the criteria of the state disaster and emergency response plan; and

(b) Is consummated pursuant to the inter-local cooperation act; and

(c) Is provided with sufficient manpower, equipment, and funding by each contracting party so as to assure high quality service to all of the parties.

(3) All local, regional or multijurisdictional organizations for disaster and emergency response shall comply with all applicable portions of the state disaster and emergency response plan.

(4) All local, regional or multijurisdictional organizations for disaster and emergency response, and the directors and members of each, shall, for all purposes, be under the direction and jurisdiction of the Director of the Division and of the governor whenever the latter shall deem such action necessary.

Section 10. KRS 39.416 is amended to read as follows:

Each county, *metropolitan government,* and city shall have the power and authority:

(1) To appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for *disaster and emergency response* [civil defense] purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any disaster *or emergency*; and to direct and coordinate the development of *disaster and emergency* [civil defense] plans and programs in accordance with the policies and plans prescribed by the federal and state *disaster and emergency response* [civil defense] agencies;

(2) To appoint, employ, remove, or provide, with or without compensation, [air-raid wardens,] rescue teams, auxiliary fire and police personnel, and other *disaster and emergency response* [civilian defense] workers;

(3) To establish a primary and one or more secondary control centers to serve as command posts during an emergency;

(4) Subject to the order of the governor, or the chief executive of the county, *metropolitan government,* or city, to assign and make available for duty, the employes, property, or equipment of the county or city relating to fire fighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for *disaster and emergency response* [civil defense] purposes and within or outside of the physical limits of the county, *metropolitan government,* or city;

(5) In the event of enemy attack or state of emergency as provided in KRS 39.409, to waive procedures and formalities otherwise required by the law pertaining to: the performance of public work, entering into contracts, the incurring of obligations, the employment of permanent and temporary workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution, with or without compensation, of supplies, materials, and facilities, and the appropriation and expenditure of public funds.

Section 11. KRS 39.417 is amended to read as follows:

Whenever the employes of any county, *metropolitan government,* or city are rendering outside aid pursuant to the authority contained in KRS 39.415 hereof, such employes shall have the same powers, duties,

rights, privileges, and immunities as if they were performing their duties in the *jurisdiction* [county or city] in which they are normally employed.

Section 12. KRS 39.418 is amended to read as follows:

(1) The city, *metropolitan government,* or county in which any equipment is used pursuant to KRS 39.415 shall be liable for any loss or damage thereto and shall pay any expense incurred in the operation and maintenance thereof. No claim for such loss, damage, or expense shall be allowed unless, within sixty (60) days after the same is sustained or incurred, an itemized notice of such claim under oath is served by mail or otherwise upon the chief fiscal officer of such county or city where the equipment was used. The county, *metropolitan government,* or city which is aided pursuant to KRS 39.415 shall also reimburse the county or city furnishing such aid for the compensation paid to employes furnished under KRS 39.415 during the time of the rendition of such aid and shall defray the actual traveling and maintenance expenses of such employes while they are rendering such aid. Such reimbursement shall include any amounts paid or due for compensation due to personal injury or death while such employes are engaged in rendering such aid. The term "employe" as used in this section shall mean, and the provisions of this section shall apply with equal effect to, paid, volunteer, auxiliary employes, and *disaster and emergency response* [civil defense] workers.

(2) The foregoing rights, privileges, and obligations shall also apply in the event such aid is rendered outside the state, provided that payment or reimbursement in such case shall or may be made by the state or political subdivision receiving such aid pursuant to a reciprocal mutual aid agreement or compact with such state or by the federal government.

Section 13. KRS 39.419 is amended to read as follows:

Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending, mock or practice *disaster or emergency* [attack] shall, together with his successors in interest, if any, not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises for loss of, or damage to, the property of such person.

Section 14. KRS 39.423 is amended to read as follows:

For the purpose of making surveys and investigations and obtaining information *which may be necessary to the operation or enforcement of this Act* [, except the investigation of subversive activities that are the responsibility of the federal bureau of investigation,] the governor may compel by subpoena the attendance of witnesses, and the production of books, papers, records, and documents of individuals, firms, associations, and corporations; and all officers, boards, commissions, and departments of the state, and the political subdivisions thereof, having information with respect thereto, shall cooperate with and assist him in making such investigation and surveys.

Section 15. KRS 39.424 is amended to read as follows:

(1) The governor may formulate plans and issue executive orders providing for:

(a) The control of traffic in order to provide for the rapid and safe movement in evacuation over public highways and streets during any disaster or emergency;

(b) The control of and alteration of speed limits and traffic regulations on public highways during any disaster or emergency;

(c) The prohibition or limitation of use of motor vehicles on public highways during any disaster or emergency.

(2) The governor may extend the provisions of subsection (1) of this section to the public thoroughfares of any political subdivision of the Commonwealth.

(3) The governor may order agencies of state government and political subdivisions of the Commonwealth to take such steps as may be necessary to effectuate plans made or orders issued pursuant to this section.

(4) During a declared emergency or disaster the governor may place such plans in effect.

[The governor may formulate and execute plans and regulations for the control of traffic in order to provide for the rapid and safe movement of evacuation over public highways and streets of people, troops, or vehicles and materials for national defense or for use in any defense industry, and may coordinate the activities of the departments or agencies of the state and of the political subdivisions thereof concerned directly or indirectly with public highways and streets, in a manner which will best effectuate such plans.]

Section 16. KRS 39.425 is amended to read as follows:

Notwithstanding any inconsistent provision of law, the governor may, whenever he deems it to be in the public interest:

(1) Authorize any department or agency of the state to lease or lend, on such terms and conditions as he may deem necessary to promote the public welfare and protect the interests of the state, any real or personal property of the state government to the president of the United States, the chiefs of the armed forces, or to the *defense civil preparedness* [civil defense] agency of the United States;

(2) Enter into a contract on behalf of the state for the lease or loan to any political subdivision of the state on such terms and conditions as he may deem necessary to promote the public welfare and protect the interests of the state, of any real or personal property of the state government, or the temporary transfer or employment of personnel of the state government to or by any political subdivision of the state.

Section 17. KRS 39.426 is amended to read as follows:

The chief executive or governing body of each political subdivision of the state may:

(1) Enter into such contract or lease with the state, or accept any such loan, or employ such personnel, and such political subdivision may equip, maintain, utilize, and operate any such property and employ necessary personnel therefor in accordance with the purposes for which such contract is executed;

(2) Do all things and perform any and all acts which he may deem necessary to effectuate the purpose for which such contract was entered into in accordance with the state *disaster and emergency response* [civil defense] plan.

Section 18. KRS 39.427 is amended to read as follows:

(1) The political subdivisions of the state and other agencies designated or appointed by the governor are authorized and empowered to make, amend, and rescind such orders, rules, and regulations as may be necessary for *disaster and emergency response* [civil defense] purposes and to supplement the carrying out of the provisions of *this Act* [KRS 39.400 to 39.432 and 39.990], but not inconsistent with any orders, rules, or regulations promulgated by the governor or by any state agency exercising a power delegated to it by him.

(2) All orders, rules, and regulations promulgated by the governor, *the director,* or by any political subdivision or other agency authorized by *this Act* [KRS 39.400 to 39.432 and 39.990] to make orders, rules, and regulations, shall have the full force and effect of law, when, in the event of issuance by the governor, *the director,* or any state agency, a copy thereof is filed *with the Legislative Research Commission* [in the office of the secretary of state], or, if promulgated by a political subdivision of the state or agency thereof, when filed in the office of the clerk of the political subdivision or agency promulgating the same. All existing laws, ordinances, rules, and regulations inconsistent with the provisions of *this Act* [KRS 39.400 to 39.432 and 39.990], or of any order, rule, or regulation issued under the authority of *this Act* [KRS 39.400 to 39.432 and 39.990], shall be suspended during the period of time and to the extent that such conflict exists.

[(3) In order to attain uniformity so far as practicable throughout the country in measures taken to aid civil defense, all action taken under KRS 39.400 to 39.432 and 39.990 and all orders, rules, and regulations made pursuant thereto, shall be taken or made with due consideration to the orders, rules, regulations, actions, recommendations, and requests of federal authorities relevant thereto and, to the extent permitted by law, shall be consistent with such orders, rules, regulations, actions, recommendations and requests.]

(3)[(4)] The law *enforcement* [enforcing] authorities of the state and of the counties, *metropolitan governments,* cities thereof shall enforce the orders, rules, and regulations issued pursuant to *this Act* [KRS 39.400 to 39.432 and 39.990].

Section 19. KRS 39.429 is amended to read as follows:

A peace officer, when in full and distinctive uniform or displaying a badge or other insignia of authority, may arrest without a warrant any person violating or attempting to violate in such officer's presence any order, rule, or regulation made pursuant to *this Act.* [KRS 39.400 to 39.432 and 39.990. This authority shall be limited to those rules and regulations which affect the public generally.]

Section 20. KRS 39.430 is amended to read as follows:

Whenever the federal government or any agency or officer thereof shall offer to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of *disaster and emergency response* [civil defense], the state, acting through the governor, or such political subdivision, acting through its chief executive or governing body, may accept such offer and upon such acceptance the governor of the state or chief executive or governing body of such political subdivision may authorize any officer of the state or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, and subject to the terms of the offer.

Section 21. KRS 39.431 is amended to read as follows:

No organization for *disaster and emergency response* [civil defense] established under the authority of *this Act* [KRS 39.400 to 39.432 and 39.990] shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, *nor shall any member or employe of such organization engage in such activity.*

Section 22. KRS 39.432 is amended to read as follows:

No person shall be employed or associated in any capacity in any *disaster and emergency response* [civil defense] organization established under *this Act* [KRS 39.400 to 39.432 and 39.990] who advocates a change by force or violence in the constitutional form of the government of the United States or in this state or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization for *disaster and emergency response* [civil defense] shall, before entering

upon his duties, take an oath, in writing, before a person authorized to administer oaths in this state, which oath shall be substantially as follows:

"I, ..., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Kentucky, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates, the overthrow of the government of the United States or of the state by force or violence; and that during such time as I am a member of the (name of *disaster and emergency response* [civil defense] organization) I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence."

Section 23. KRS 39.450 is amended to read as follows:

The governor of this state is hereby authorized and directed to execute a compact on behalf of the commonwealth of Kentucky with any of the United States legally joining therein in the form substantially as follows:

INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

The contracting states solemnly agree:

[ARTICLE I]

The purpose of this compact is to provide mutual aid among the states in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full and effective utilization of the resources of the respective states, including such resources as may be available from the United States government or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the civil defense agencies or similar bodies of the states that are parties hereto. The directors of civil defense of all party states shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

[ARTICLE II]

It shall be the duty of each party state to formulate civil defense plans and programs for application within such state. There shall be frequent consultation between the representatives of the states and with the United States government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party states shall so far as possible provide and follow uniform standards, practices and rules and regulations including:

(a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services;

(b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces and other tests and exercises;

(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

(d) The effective screening or extinguishing of all lights and lighting devices and appliances;

(e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party state;

(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during and subsequent to drills or attacks;

(h) The safety or public meetings or gatherings; and

(i) Mobile support units.

[ARTICLE III]

Any party state requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state. Each party state shall extend to the civil defense forces of any other party state, while operating within its state limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving state), duties, rights, privileges and immunities as if they were performing their duties in the state in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the state receiving assistance.

[ARTICLE IV]

Whenever any person holds a license, certificate or other permit issued by any state evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party state to meet an emergency or disaster and such state shall give due recognition to such license, certificate or other permit as if issued in the state in which aid is rendered.

[ARTICLE V]

No party state or its officers or employes rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

[ARTICLE VI]

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that appropriate among other states party hereto, this instrument contains elements of a broad base common to all states, and nothing herein contained shall preclude any state from entering into supplementary agreements with another state or states. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation, and communications personnel, equipment and supplies.

[ARTICLE VII]

Each party state shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that state and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

[ARTICLE VIII]

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further that any two or more party states may enter into supplementary agreements establishing a different allocation of costs as among those states. The United States government may relieve the party state receiving aid from any liability and reimburse the party state supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the state and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.

[ARTICLE IX]

Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party states and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party state of which the evacuees are residents, or by the United States government under plans approved by it. After the termination of the emergency or disaster the party state of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

[ARTICLE X]

This compact shall be available to any state, territory or possession of the United States, and the District of Columbia. The term "state" may also include any neighboring foreign country or province or state thereof.

[ARTICLE XI]

The committee established pursuant to Article I of this compact may request the civil defense agency of the United States government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States government may attend meetings of such committee.

[ARTICLE XII]

This compact shall become operative immediately upon its ratification by any state as between it and any other state or states so ratifying and shall be subject to approval by congress unless prior congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the civil defense agency and other appropriate agencies of the United States government.

[ARTICLE XIII]

This compact shall continue in force and remain binding on each party state until the legislature or the governor of such party state takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the governor of the party state desiring to withdraw to the governors of all other party states.

[ARTICLE XIV]

This compact shall be construed to effectuate the purposes stated in Article I hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

Article XV

(1) This Article shall be in effect only as among those states which have enacted it into law or in which the governors have adopted it pursuant to constitutional or statutory authority sufficient to give it the force of law as part of this compact. Nothing contained in this Article or in any supplementary agreement made in implementation thereof shall be construed to abridge, impair or supersede any other provision of this compact or any obligation undertaken by a state pursuant thereto, except that if its terms so provide, a supplementary agreement in implementation of this Article may modify, expand or add to any such obligation as among the parties to the supplementary agreement.

(2) In addition to the occurrences, circumstances and subject matters to which preceding articles of this compact make it applicable, this compact and the authorizations, entitlements and procedures thereof shall apply to:

(a) Searches for and rescue of persons who are lost, marooned, or otherwise in danger.

(b) Action useful in coping with disasters arising from any cause or designed to increase the capability to cope with any such disasters.

(c) Incidents, or the imminence thereof, which endanger the health or safety of the public and which require the use of special equipment, trained personnel or personnel in larger numbers than are locally available in order to reduce, counteract or remove the danger.

(d) The giving and receiving of aid by subdivisions of party states.

(e) Exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with or prevent any disaster or other emergency to which this compact applies.

(3) Except as expressly limited by this compact or a supplementary agreement in force pursuant thereto, any aid authorized by this compact or such supplementary agreement may be furnished by any agency of a party state, a subdivision of such state, or by a joint agency providing such aid shall be entitled to reimbursement therefor to the same extent and in the same manner as a state. The personnel of such joint agency, when rendering aid pursuant to this compact shall have the same rights, authority and immunity as personnel of party states.

(4) Nothing in this Article shall be construed to exclude from the coverage of Articles I-XIV of this compact any matter which, in the absence of this Article, could reasonably be construed to be covered thereby.

Section 24. The governor is hereby authorized to take such actions as are necessary to effectuate the provisions of the compact set forth in KRS 39.950.

Section 25. KRS 39.406 and 39.428 are repealed.

The Committee on Appropriations and Revenue reported **SB 206,** with Committee Substitute and Committee Amendment to the Committee Substitute for **SB 206** attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 206, AN ACT relating to occupational license fees in counties of 300,000 or more inhabitants.

WHEREAS, the General Assembly, in granting home rule to counties and to cities of the first class, recognizes that local problems cannot be solved by actions of the General Assembly alone and that the most effective agency for the solution of these problems is local government; and

WHEREAS, the General Assembly, in legislation relating to home rule of counties, delegates to fiscal courts all authority within its power to delegate in order that fiscal courts may better provide for the health, education, safety, welfare and convenience of the inhabitants of counties; and

WHEREAS, the General Assembly, in authorizing occupational license fees for counties having 300,000 or more inhabitants, finds and declares that in any such county there are special problems besetting public education and delegates to the fiscal court and the boards of education the power to levy such fees pursuant to the solution of these problems; and

WHEREAS, the sense of the General Assembly continues to be that government must be responsive to the people and that, whenever possible, local problems should be solved by local people through their elected

local officials; and, moreover, that local officials with the power to spend the people's money should be required to face squarely the responsibility for their acts;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 160.483 is amended to read as follows:

The license fees imposed under KRS 160.482 to 160.488 on businesses, trades, occupations, and professions shall be at a single, uniform percentage rate not to exceed one-half of one per cent (.5%) of (a) salaries, wages and commissions, and other compensations earned by persons within the county for work done and services performed or rendered in the county, and (b) the net profits of all businesses, trades, occupations, and professions, for activities conducted in the county. The license fees, once imposed, shall continue from year to year until changed as prescribed in KRS 160.484. No public service company which pays an ad valorem tax is required to pay a license fee hereunder. No license fee shall be imposed upon or collected from any bank, trust company, combined bank and trust company or combined trust, banking and title business in this state. No license tax shall be collected from any individual who is not a resident of the county of the tax-levying authority imposing the tax.

Section 2. KRS 160.484 is amended to read as follows:

(1) Except as provided in subsections (2), (3), and (4) the fiscal court has discretion to impose or not impose the license fees authorized by KRS 160.482 to 160.488 at a percentage rate, not to exceed one-half of one per cent (.5%), determined by the fiscal court. A fiscal court shall not proceed under this subsection without first giving all boards of education in the county thirty (30) days notice of its intention.

(2) If one or more boards of education of school districts within the county which contain at least ninety per cent (90%) of county's inhabitants, in the same calendar year certify to the fiscal court requests for a license fee at an identical percentage rate, not to exceed one-half of one per cent (.5%), then the fiscal court shall impose such license fees at the requested rate.

(3) Any license fees imposed under subsections (1) or (2) shall remain in full effect from year to year until all boards of education within the county have certified to the fiscal court requests for a reduction in the percentage rate theretofore imposed. Thereafter, the fiscal court shall reduce the rate to the highest rate certified as yet necessary by any board of education in the county. The fiscal court may require each board of education to make no more than one (1) certificate annually.

(4) In any calendar year in which one or more boards of education of school districts containing at least ninety per cent (90%) of the county's inhabitants make a certification pursuant to subsection (2) for a rate which is at a higher percentage than any currently imposed, the fiscal court shall impose the license fee at the higher rate and any rate imposed pursuant to subsections (1), (2), or (3) shall be rescinded upon the date the new rate takes effect.

Section 3. KRS 160.485 is amended to read as follows:

(1) The imposition of license fees authorized hereby shall be by order or resolution of the fiscal court. There shall be no more than one (1) such order or resolution passed in any (1) one calendar year. In the case of license fees required to be imposed pursuant to subsection (2) of KRS 160.484 the fiscal court shall make the order or resolution within ten (10) days following receipt of the first request which makes subsection (2) of KRS 160.484 effective.

(2) The order or resolution of the fiscal court imposing license fees pursuant to subsections (1), (2), or (4) of KRS 160.484 shall go into effect thirty (30) days after its passage. If during the thirty (30) days next following the passage of the order or resolution a petition signed by a number of registered and qualified voters equal to fifteen per cent (15%) of the votes cast in the county for the office receiving the greatest total vote at the last preceding presidential election is presented to the fiscal court protesting against passage of the order or resolution, the order or resolution shall be suspended from going into effect until after the election referred to in subsection (3) of this section. Each sheet of the petition shall contain the names and addresses of voters in but one (1) voting precinct, and each sheet shall state the name, number, or designation of the precinct and, where applicable, the name, designation, or number of the district or ward wherein the precinct is situated. Each voter shall sign his name in the same manner as he signed the current registration form described in KRS 117.630 or subsection (2) of KRS 117.720, as the case may be. If the signature is difficult to read, the voter shall, on the same line legibly write or print his name in the same fashion as he signed it. One or more persons shall verify by affidavit the signatures and addresses of the signers of the petition. The board or boards of registration in the county shall give necessary and appropriate aid to the fiscal court so that the latter body may make the initial, but not conclusive, determination of whether the petition contains enough signatures of qualified voters to suspend the effect of the order or resolution.

(3) Thereupon the fiscal court shall submit to the voters of the county at the next regular election or called common school district election, either of which to be held not less than sixty (60) days from the date of passage of said order or resolution, the question as to whether such license fees for common school purposes shall be levied. The question shall be so framed that the voter may by his vote answer, "for" or "against." If a majority of the votes cast upon the question oppose its passage, the order or resolution shall not go into effect. If a majority of the votes cast upon the question favor its passage, the order or resolution shall go into effect.

(4) License fees imposed pursuant to KRS 160.482 to 160.488 shall become applicable upon the date specified in the order or resolution, but in no event later than the first day of the calendar year first beginning after the day upon which the said order or resolution is made.

Section 4. A new section of KRS Chapter 160 is created to read as follows:

Any county having 300,000 or more inhabitants is authorized to increase the school rate for occupational license fees provided for in KRS 160.482 to 160.488 to exceed the maximum rate set in KRS 160.483 and 160.484 by one-quarter of one per cent (.25%) after compliance with KRS 160.484 and 160.485, except that the petition protesting the exceeding rate shall be signed by a number of registered and qualified voters equal to seven per cent (7%) of the votes cast in the county for the office receiving the greatest total vote at the last preceding presidential election.

The Committee Amendment to the Committee Substitute for **SB 206** is as follows:

Amend printed copy of Committee Substitute for Senate Bill 206 on page 1, by amending the title to read as follows: "AN ACT relating to occupational license fees in counties containing a city of the first class."

The House Committee Substitute for **SB 206** is as follows:

SB 206, AN ACT relating to occupational license fees in counties of 300,000 or more inhabitants.

WHEREAS, the General Assembly, in granting home rule to counties and to cities of the first class, recognizes that local problems cannot be solved by actions of the General Assembly alone and that the most effective agency for the solution of these problems in local government; and

WHEREAS, the General Assembly, in legislation relating to home rule of counties, delegates to fiscal courts all authority within its power to delegate in order that fiscal courts may better provide for the health, education, safety, welfare and convenience of the inhabitants of counties; and

WHEREAS, the General Assembly, in authorizing occupational license fees for counties, finds and declares that there are special problems besetting public education and delegates to the fiscal court and the boards of education the power to levy such fees pursuant to the solution of these problems; and

WHEREAS, the sense of the General Assembly continues to be that government must be responsive to the people and that, whenever possible, local problems should be solved by local people through their elected local officials; and, moreover, that local officials with the power to spend the people's money should be required to face squarely the responsibility for their acts;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 160 is created to read as follows:

In addition to the occupational license fee provided in KRS 160.482 to 160.488, any county containing a city of the first class may levy an additional occupational license fee at a uniform percentage rate for school purposes in accordance with the notification, certification, and other procedures relating to the implementation of the license fee levy set forth in KRS 160.482 to 160.488, except that the petition protesting the additional occupational license fee levy shall be signed by a number of registered and qualified voters equal to seven percent (7%) of the votes cast in the county for the office receiving the greatest total vote at the last preceding presidential election.

Section 2. A new section of KRS Chapter 160 is created to read as follows:

The provisions of KRS 160.595 shall not preclude the levy of the taxes authorized by KRS 160.613 to 160.617 and KRS 160.621 to 160.633 in addition to the occupational license tax authorized by this Act and by KRS 160.482 to 160.488.

The Committee on Labor and Industry reported **HB 32, HB 38, HB 698, HB 714,** and **HB 739** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 32, AN ACT relating to motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 190 is created to read as follows:
As used in this act,
(1) The term "odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips.
(2) The term "repair and replacement" means to restore to a sound working condition by replacing the odometer or any part thereof or by correcting what is inoperative.
(3) The term "transfer" means to change ownership by purchase, gift, or any other means.
Section 2. A new section of KRS Chapter 190 is created to read as follows:
It is unlawful for any person to advertise for sale, to sell, to use, or to install or to have installed, any device which causes an odometer to register any mileage other than the true mileage driven. For purposes of this section, the true mileage driven is that mileage the vehicle has been driven as registered by the odometer within the manufacturer's designed tolerance.
Section 3. A new section of KRS Chapter 190 is created to read as follows:
It is unlawful for any person or his agent to disconnect, reset, or alter the odometer of any motor vehicle with the intent to change the number of miles indicated thereon.
Section 4. A new section of KRS Chapter 190 is created to read as follows:
It is unlawful for any person with the intent to defraud to operate a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected or nonfunctional.
Section 5. A new section of KRS Chapter 190 is created to read as follows:
No person shall conspire with any other person to violate this act.
Section 6. A new section of KRS Chapter 190 is created to read as follows:
Nothing in this title shall prevent the service, repair, or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair, or replacement. Where the odometer is incapable of registering the same mileage as before such service, repair, or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced. Any removal or alteration of such notice so affixed shall be unlawful.
Section 7. A new section of KRS Chapter 190 is created to read as follows:
(1) Any transferor must give a written disclosure to the transferee in connection with the transfer of ownership of a motor vehicle:
(a) Disclosing the cumulative mileage registered on the odometer.
(b) Disclosure that the actual mileage is unknown, if the odometer reading is known to the transferor to be different from the number of miles the vehicle has actually traveled.
(2) It shall be a violation of this section for any transferor to knowingly give a false statement to a transferee in making any disclosure required by this act.
Section 8. A new section of KRS Chapter 190 is created to read as follows:
(1) Any person who, with intent to defraud, violates any requirement imposed under this act shall be liable to the transferee in an amount equal to the sum of:
(a) three times the amount of actual damages sustained or $1,500, whichever is the greater; and
(b) in the case of any successful action to enforce the foregoing liability, the costs of the action together with reasonable attorney fees as determined by the court.

(2) An action to enforce any liability created under subsection (1) of this section, may be brought in a circuit court of a county in which the purchaser of the motor vehicle resides.

Section 9. A new section of KRS Chapter 190 is created to read as follows:

Any person who wilfully violates this act shall be subject to a civil penalty of $5,000 per violation, which may be recovered on behalf of the commonwealth by the attorney general.

HB 38, AN ACT relating to materialmen's liens.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 376.010 is amended to read as follows:

(1) Any person who performs labor or furnishes materials for the erection, altering or repairing of a house or other structure or for any fixture or machinery therein, for the excavation of cellars, cisterns, vaults, wells or for the improvement in any manner of real property including the furnishing of agricultural lime, fertilizer, concrete pipe or drainage tile, crushed rock, gravel for roads or driveways, and materials used in the construction or maintenance of fences, by contract with, or by the written consent of, the owner, contractor, subcontractor, architect or authorized agent, shall have a lien thereon, and upon the land upon which the improvements were made or on any interest the owner has therein, to secure the amount thereof with interest as provided in KRS 360.040 and costs. The lien on the land or improvements shall be superior to any mortgage or encumbrance created subsequent to the beginning of the labor or the furnishing of the materials, and the lien, if asserted as hereinafter provided, shall relate back and take effect from the time of the commencement of the labor or the furnishing of the materials. The lien shall not be for a greater amount in the aggregate than the contract price of the original contractor, and should the aggregate amount of the liens exceed the price agreed upon between the original contractor and the owner there shall be a pro rata distribution of the original contract price among the lienholders.

(2) The lien shall not take precedence over a mortgage or other contract lien or bona fide conveyance for value without notice, duly recorded or lodged for record according to law, unless the person claiming the prior lien shall, before the recording of the mortgage or other contract lien or conveyance, file in the office of the clerk of the county court of the county wherein he has furnished or expects to furnish labor or materials, a statement showing that he has furnished or expects to furnish labor or materials, and the amount in full thereof. The lien shall not, as against the holder of a mortgage or other contract lien or conveyance, exceed the amount of the lien claimed or expected to be claimed as set forth in the statement. The statement shall, in other respects, be in the form prescribed by KRS 376.080.

(3) No person who has not contracted directly with the owner or his agent shall acquire a lien under this section unless he notifies in writing the owner of the property to be held or his authorized agent, within seventy-five (75) days on claims amounting to less than $1,000 and one hundred twenty (120) days on claims in excess of $1,000 after the last item of material or labor is furnished, of his intention to hold the property liable and the amount for which he will claim a lien. It shall be sufficient to prove that the notice was mailed to the last known address of the owner of the property upon which the lien is claimed, or to his duly authorized agent within the county in which the property to be held liable is located.

(4) No person who has not contracted directly with the owner or his agent shall acquire a lien under this section against any residential property consisting of two units or less.

HB 698, AN ACT relating to Workmen's Compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 342.750 is amended to read as follows:

If the injury causes death, income benefits shall be payable in the amount and to or for the benefit of the persons following, subject to the maximum limits specified in subsections (3) and (4) of this section:

(1) (a) If there is a widow or widower and no children of the deceased, to such widow or widower 50 percent of the average weekly wage of the deceased, during widowhood or widowerhood.

(b) To the widow or widower, if there is a child or children living with the widow or widower, 45 percent of the average weekly wage of the deceased, or 40 percent, if such child is not or such children are not living with a widow or widower, and in addition thereto, 15 percent for each child. Where there are more

than two such children, the indemnity benefits payable on account of such children shall be divided among such children, share and share alike.

(c) Two years' indemnity benefits in one lump sum shall be payable to a widow or widower upon remarriage.

(d) To the children, if there is no widow or widower, 50 percent of such wage for one child, and 15 percent for each additional child, divided among such children share and share alike.

(e) The income benefits payable on account of any child under this section shall cease when he dies, marries, or reaches the age of eighteen, or when a child over such age ceases to be physically or mentally incapable of self-support, or if actually dependent ceases to be actually dependent, or, if enrolled as a full-time student in any accredited educational institution, ceases to be so enrolled or reaches the age of 22. A child who originally qualified as a dependent by virtue of being less than 18 years of age may, upon reaching age 18, continue to qualify if he satisfies the tests of being physically or mentally incapable of self-support, actual dependency, or enrollment in an educational institution.

(f) To each parent, if actually dependent, 25 percent.

(g) To the brothers, sisters, grandparents, and grandchildren, if actually dependent, 25 percent to each such dependent. If there should be more than one of such dependents, the total income benefits payable on account of such dependents shall be divided share and share alike.

(h) The income benefits of each beneficiary under paragraphs (f) and (g) above shall be paid until he, if a parent or grandparent, dies, marries, or ceases to be actually dependent, or, if a brother, sister, or grandchild, dies, marries, or reaches the age of eighteen or if over that age ceases to be physically or mentally incapable of self-support, or ceases to be actually dependent.

(i) A person ceases to be actually dependent when his income from all sources exclusive of workmen's compensation income benefits is such that, if it had existed at the time as of which the original determination of actual dependency was made, it would not have supported a finding of dependency. In any event, if the present annual income of an actual dependent person including workmen's compensation income benefits at any time exceeds the total annual support received by the person from the deceased employe, the workmen's compensation benefits shall be reduced so that the total annual income is no greater than such amount of annual support received from the deceased employe. In all cases, a person found to be actually dependent shall be presumed to be no longer actually dependent three years after each time as of which the person was found to be actually dependent. This presumption may be overcome by proof of continued actual dependency as defined in this subsection, but full payments shall not be suspended during the pendency of any proceeding to determine dependency.

(j) If there are no dependents surviving said deceased worker, 50% of the average weekly wage of the deceased for three years, shall be paid to his estate in one lump sum.

(2) Upon the cessation of income benefits under this section to or on account of any person, the income benefits of the remaining persons entitled to income benefits for the unexpired part of the period during which their income benefits are payable shall be that which such persons would have received if they had been the only persons entitled to income benefits at the time of the decedent's death.

(3) For the purposes of this section, the average weekly wage of the employe shall be taken as not more than the average weekly wage of the state as determined in KRS 342.740. In no case shall the aggregate weekly income benefits payable to all beneficiaries under this section exceed the maximum income benefit that was or would have been payable for total disability to the deceased, including benefits to his dependents.

(4) The maximum weekly income benefits payable for all beneficiaries in case of death shall not exceed 75 percent of the average weekly wage of the deceased as calculated under KRS 342.140, subject to the maximum limits in subsection (3) above. The maximum aggregate limitation shall not operate in case of payment of two years' income benefits to the widow or widower upon remarriage as provided under paragraph (c) of subsection (1) of this section, to prevent the immediate recalculation and payments of benefits to the remaining beneficiaries as provided under subsection (2) of this section, but the weekly income benefits as to such remaining beneficiaries shall not exceed the weekly income benefit that was or would have been payable for total disability to the deceased. The classes of beneficiaries specified in paragraphs (a), (b) and (d) of subsection (1) shall have priority over all other beneficiaries in the apportionment of income benefits. If the provisions of this subsection should prevent payment to other beneficiaries of the income benefits to the full extent otherwise provided for by this section, the gross remaining amount of income benefits payable to such other beneficiaries shall be apportioned by class, proportionate to the interest of each class in the remaining amount. Parents shall be considered to be in one class and those specified in paragraph (f) of subsection (1) in another class.

(5) All relations of dependency referred to in this section shall mean dependency existing at the time of the accident to the employe or at the time his disability from an occupational disease began.

HB 714, AN ACT relating to dues check-off on the wages of public employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 337 is created to read as follows:
(1) The Commonwealth of Kentucky and any of its political subdivisions or instrumentalities shall checkoff on the wages of public employes for the payment of dues to a labor organization or other organization of public employes upon written authorization by the public employe. Such authorization may be revocable by written notice upon the will of the employe.
(2) A labor organization or other organization of public employes receiving such checkoff of dues may be required by the Commonwealth of Kentucky and any of its political subdivisions or instrumentalities to defray the actual cost of making such deduction.

HB 739, AN ACT relating to unemployment compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 341.410 is amended to read as follows:
(1) The commissioner acting through his duly authorized representatives shall, upon request, determine the insured status of a worker. If a worker is found to have fully insured status, as defined in subsection (2) of KRS 341.090, the division shall notify all interested parties. If found to be not fully insured the division shall notify the worker. The commissioner may, at any time within a worker's benefit year, make such further determinations as may affect the worker's eligibility for benefits or may set aside, reconsider, modify, or amend a determination at any time on the basis of additional information or to correct a clerical mistake. The commission may by regulation prescribe what constitutes a determination as used in this section and subsections (2) and (3) of KRS 341.420.
(2) In the event a dispute develops concerning the eligibility payment to a claimant for a partial week, or more, the claimant shall continue to receive the weekly benefit amount, less enough monies withheld to satisfy the disputed claim until the dispute is settled.

The Committee on Appropriations and Revenue reported **HB 92,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 92, AN ACT relating to state aid for the promotion of the purebred cattle industry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 246.250 is amended to read as follows:
(1) As used in this section unless the context otherwise requires:
(a) "Department" means the department of agriculture.
(b) "Commissioner" means the commissioner of agriculture.
(c) "Purebred" means registered by the appropriate association, organization or authority.
(d) Neither "show" or "exhibition" or "show, exhibition and sale" shall include those held as a part of or in connection with any county or other local fair.
(2) The department shall aid, encourage, foster and promote the development and the improvement of the purebred cattle industry in Kentucky. To that end, the department shall promote, aid and assist in the promotion of annual shows and sales of purebred cattle in Kentucky with the object and purpose of establishing Kentucky as one of the greatest centers in the United States for the breeding, producing, raising, exhibition, showing and sale of purebred cattle. The General Assembly shall make appropriations from the General Expenditure Fund for each fiscal year to effectuate that purpose.
(3) From the appropriations made pursuant to subsection (2) of this section, six thousand dollars shall be used and applied in each fiscal year in each of the following events: Not less than four thousand dollars nor

more than five thousand dollars shall be used and applied to the payment of premiums for the largest purebred Aberdeen-Angus, purebred Hereford, purebred Shorthorn, purebred Polled Hereford, purebred Charolaise, purebred Jersey, purebred Holstein-Friesian, purebred Guernsey, purebred Ayrshire, purebred Simmental, *purebred Chianina, purebred Maine Anjou* and purebred Brown Swiss show and sale which may be held in Kentucky in each fiscal year which is open on equal terms and conditions to all breeders in the United States who are eligible to enter any of the above shows and sales. The remainder shall be used and applied by the commissioner for appropriate advertising of the shows and sales in such livestock journals and other advertising media as the commissioner may determine.

(4) Any show, exhibition and sale of purebred cattle to be eligible to receive the appropriations must provide that the qualifications for entries in any class is equal to the qualifications for entries in all other classes receiving appropriations and that entries in all classes are open upon equal terms to the breeders of such cattle in all of the states of the United States, and the Dominion of Canada may be included. The commissioner shall determine with respect to each of the breeds of cattle which show, exhibition and sale is the largest to be held in Kentucky in each year and, in making that determination, he may consider shows, exhibitions and sales which have been held in Kentucky in any previous year and in any previous two-year period.

(5) The remainder of the appropriations made pursuant to subsection (2) of this section for each fiscal year shall be used and applied by the department as follows, to-wit: At least five thousand dollars shall be used to add premium money otherwise available for shows and exhibitions of purebred dairy cattle to be held in Kentucky at the places the commissioner determines; and the remaining balance shall be used and applied by the department in advertising and in promoting the purebred dairy cattle shows and exhibitions in such livestock journals and other advertising media as the commissioner may determine.

(6) No show or exhibition and no show, exhibition and sale of any purebred cattle shall qualify for or be eligible to receive any part of an appropriation made under this section unless and until there is provided and made available from other sources an amount for premiums equal to or in excess of the respective appropriations made available pursuant to this section for the show or exhibition or show, exhibition and sale, or unless there is provided and made available from some other source an amount for premiums equal to or in excess of the amount which the commissioner may allocate to or for the show or exhibition or show, exhibition and sale under the authority vested in him by this section.

Section 2. To carry out the purposes of this Act, there is appropriated to the Department of Agriculture out of the General Expenditure Fund the sum of twelve thousand dollars for the 1974-75 fiscal year and the sum of twelve thousand dollars for the 1975-76 fiscal year.

The Committee Amendment No. 2 to **HB 92** is as follows:

Amend printed copy of House Bill 92 on page 2, line 16, by adding the following after the word "Anjou": ", *Murray Grey,*"

and on page 4, lines 14 through 16, by deleting the words "twelve thousand" and substituting therefor the words "eighteen thousand".

The Committee on Agriculture and Natural Resources reported **HB 17, HB 668** with Committee Substitute attached thereto, **HB 712, HR 66,** and **SR 1** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 17, AN ACT relating to stockyards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS Chapter 261.230 is amended to read as follows:

(1) The owner or operator of a stockyard[s] shall file annually with the department, an application for a license to operate such a business under the provisions of this chapter. Such applications shall be made on forms furnished by the department and shall state fully and correctly the nature of business to be conducted at the stockyards, the correct location and post office address, and any other additional information the department may require in accordance with the provisions of this chapter.

(2) The owner or operator of each stockyard shall pay on or before July 1[,] of each year *an initial* license fee of [twenty-five dollars ($25.00)] *$250 for the first year of operation and an annual fee of $50 thereafter,* plus [ten dollars ($10.00)] *$10* for each scale operated in excess of [one (1)] *1.*

(3) In the case of transfer of ownership of a stockyard[s] by purchase or otherwise, a new application must be filed with the department and a new license procured by the new owner before operation may continue.

(4) In instances where [two (2)] *2* or more stockyards are owned and operated by the same person, a separate application for a license shall be filed and an individual license procured for each stockyard.

(5) Before issuing a license the department shall determine that the applicant has satisfactorily complied with the provisions of this chapter and with the applicable provisions of KRS chapter 257.

HB 668, AN ACT relating to tobacco.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 248.330 is amended to read as follows:

No persons shall *participate in an allocation system or* combine, by any rule, bylaw or otherwise, for the purpose of controlling, or in any way interfering with the free and unrestricted right to bid on or purchase leaf tobacco offered for sale at public auction at any warehouse or place of sale where tobacco is sold by warehousemen for others in this state.

Section 2. KRS 248.440 is amended to read as follows:

(1) Each warehouse shall submit, under regulations of the commissioner, a daily system of sworn statements *on every purchaser of tobacco* to include the total number of pounds of tobacco sold, the total amount paid for that tobacco and the average for the day for the particular warehouse reporting.

(2) The department shall obtain the statements daily and release to the press a collaboration of the state average for the day and the average for each respective marketing center.

The Committee Substitute for **HB 668** is as follows:

HB 668, AN ACT relating to tobacco.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 248.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Commissioner" means the commissioner of agriculture;

(2) "Department" means the department of agriculture;

(3) "Grower" means a bona fide producer of tobacco, either by himself or by tenant, sharecropper or hired person;

(4) "Warehouse" means any tobacco warehouse operating as a place of sale for tobacco in this state; and

(5) "Warehouseman" means the owner, operator, manager, lessee or proprietor of a warehouse engaged in selling tobacco or his agents or employes.

(6) "Person" means any natural person, public or private corporation, political subdivision, partnership, association, firm, estate, or other entity whatsoever.

(7) "Allocation" means allotment or apportionment or the act of distributing.

Section 2. KRS 248.320 is amended to read as follows:

All sales of leaf tobacco at public auction shall be free and open to all responsible bidders. *No person shall purchase tobacco directly or indirectly through more than one designated buyer or bidder in each warehouse.*

Section 3. KRS 248.330 is amended to read as follows:

No persons shall *participate in an allocation system or* combine, by any rule, bylaw or otherwise, for the purpose of controlling, or in any way interfering with the free and unrestricted right to bid on or purchase leaf tobacco offered for sale at public auction at any warehouse or place of sale where tobacco is sold by warehousemen for others in this state.

Section 4. KRS 248.440 is amended to read as follows:

(1) Each warehouse shall submit, under regulations of the commissioner, a daily system of sworn statements to include the total number of pounds of tobacco sold, the total amount paid for that tobacco and

the average for the day for the particular warehouse reporting.

(2) The department shall obtain the statements daily and release to the press a collaboration of the state average for the day and the average for each respective marketing center.

(3) Each warehouse shall submit, under regulations of the commissioner, a record of the total number of pounds purchased, with the total amount paid, by every purchaser of tobacco within thirty (30) days of close of the market.

Section 5. KRS 248.990 is amended to read as follows:

(1) Any tobacco warehouseman, agent, manager, corporation or organization that violates any of the provisions of KRS 248.320 *and* [to] 248.340 or subsection (2) of KRS 248.350 shall be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100), and, if a corporation, it shall forfeit all corporate rights and privileges.

(2) Any person who violates any of the provisions of KRS 248.330 shall be fined not less than one thousand dollars ($1,000) nor more than ten thousand dollars ($10,000) for each violation, with a separate violation for each warehouse from which tobacco was purchased.

(3)[(2)] Any person who violates any of the provisions of subsection (1) of KRS 248.350, 248.360 or 248.400 shall be fined not less than two hundred dollars ($200) nor more than five hundred dollars ($500).

(4)[(3)] Any person who violates any of the provisions of KRS 248.370, 248.390, 248.440 or wilfully violates a regulation of the department, or who refuses to pay the fee provided for by KRS 248.290 shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or imprisoned for not more than three (3) months, or both.

(5)[(4)] Any person who violates any of the provisions of KRS 248.410 or 248.420 shall be fined not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000).

(6)[(5)] Any person who fails or refuses to post notices in accordance with subsection (1) of KRS 248.430 shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100) for each day of failure or refusal.

(7)[(6)] Any person who violates subsection (2) of KRS 248.430 shall be fined five hundred dollars ($500) for each offense.

(8)[(7)] Any person who violates any of the provisions of subsection (1) of KRS 248.450 shall be fined not less than two hundred dollars ($200) nor more than five hundred dollars ($500) for each offense.

(9)[(8)] Any person who violates any of the provisions of subsection (2) of KRS 248.450 shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100) for each day of violation.

(10)[(9)] Any person who violates KRS 248.610 shall be fined not less than $100 nor more than $1,000, or imprisoned in the county jail for not more than one year, or both.

HB 712, AN ACT relating to assessments for the promotion of the dairy industry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 247.490 is amended to read as follows:

(1) If, in such referendum called under the provisions of KRS 247.450 to 247.505, a majority of the producers in the area in which such referendum is conducted, eligible to participate and voting therein, shall vote in the affirmative and in favor of the levying and collection of such assessment proposed in such referendum on such agricultural commodity, then such assessment shall be collected in the manner determined and announced by the agency conducting such referendum.

(2) Any agricultural cooperative association organized under KRS Chapter 272 or any foreign agricultural cooperative association that has received a certificate of authority to conduct business in the Commonwealth in the same manner as a domestic agricultural cooperative association, on application to and approval by the commissioner, may by an alternate procedure, not in conflict with the purposes of KRS 247.450 to 247.505, handle the collection and disbursement of the assessments of its members. The purchaser of the agricultural commodity of the members of such association shall be relieved of the collecting and reporting requirements of KRS 247.493 with respect to such members.

HR 66, A RESOLUTION memorializing the United States Department of Agriculture and the Justice Department to study the competitive market structure of tobacco companies.

WHEREAS, many thousand independent producers of tobacco sell their product to a relatively small number of tobacco companies; and

WHEREAS, the results of 1973-1974 tobacco sales have raised questions about competitive bidding for tobacco; and

WHEREAS, Kentucky tobacco farmers are entitled restitution for losses from proven monopoly pricing policies;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Department of Agriculture of the United States and the Justice Department of the United States are hereby memorialized to study the competitive market structure of tobacco companies.

SCR 1, A CONCURRENT RESOLUTION ratifying and approving the promulgation and adoption of water pollution regulations designated WP-4-1; Water Quality Standards for Waters of the Commonwealth of Kentucky, and WP-6-2, the Classification of Waters, Treatment Requirements, and Compliance.

WHEREAS, Chapter 224 of the Kentucky Revised Statutes states the policy of the Commonwealth of Kentucky with respect to its waters, and vests in the Department of Natural Resources and Environmental Protection the responsibility for administering that policy; and

WHEREAS, the Water Pollution Control Commission promulgated and adopted the water pollution regulation designated WP-4-1, Water Quality Standards for Waters of the Commonwealth of Kentucky, and the Department of Natural Resources and Environmental Protection with the approval of the Environmental Quality Commission has promulgated and adopted water pollution regulation designated WP-6-2, Use Classification of Waters, Treatment Requirements and Compliance;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

(1) The following regulations adopted to implement the policy of the Commonwealth of Kentucky with respect to its waters are hereby ratified and approved:

WP-4-1. Water Quality Standards for Waters of the Commonwealth of Kentucky.

Section 1. *Prohibitions.* No person or group of persons as defined in KRS 224.010 shall cause to be violated any one of the minimum standards in Section 2 or any one of the standards established in Section 3 of this regulation.

Section 2. *The following are minimum conditions applicable to all waters of the Commonwealth of Kentucky.* All waters of the Commonwealth shall be:

(1) Substantially free from substances attributable to municipal, industrial or other discharges or agricultural practices that will settle to form putrescent sludge deposits;

(2) Free from floating debris, oil, scum and other floating materials attributable to municipal, industrial or other discharges or agricultural practices in amounts sufficient to be unsightly or deleterious;

(3) Free from materials attributable to municipal, industrial or other discharges or agricultural practices producing color, odor or other conditions in such degree as to create a nuisance; and

(4) Free from substances attributable to municipal, industrial or other discharges or agricultural practices in concentrations or combinations which are toxic or harmful to human, animal, plant or aquatic life.

(5) In the standards established by Subsections (1) through (4), every person as defined in KRS 224.010 shall remove from their discharges those substances described in Subsections (1) through (4) to the lowest practicable level attainable under current technology.

Section 3. *Stream use classification.* In addition to the minimum conditions set forth in Section 2, the following specific stream use classification shall govern where applicable:

(1) *Public water supply and food processing industries.* The following criteria are applicable to surface water at the point at which water is withdrawn for use for a public water supply or by a food processing industry.

(a) *Bacteria:* Coliform group not to exceed 5,000 per 100 ml as a monthly arithmetical average value (either MPN or MF count); nor exceed this number in more than 20 percent of the samples examined during any month; nor exceed 20,000 per 100 ml in more than 5 percent of such samples.

(b) *Threshold-odor number:* After normal treatment to be less than 3.

(c) *Dissolved solids:* Not to exceed 500 mg/l as a monthly average value, nor exceed 750 mg/l at any time. (Values of specific conductance of 800 and 1,200 micromhos/cm (at 25°.) MAY BE CONSIDERED EQUIVALENT TO DISSOLVED SOLIDS CONCENTRATIONS OF 500 AND 750 MG/l.)

(D) °*Radioactive substances:* Gross beta activity not to exceed 1,000 picocuries per liter, (pCi/l), nor shall activity from dissolved Strontium 90 exceed 10 pCi/l, nor shall activity from dissolved alpha emitters exceed 3 pCi/l.

(e) *Chemical constituents:* Not to exceed the following specified concentrations at any time:

Constituents	*Concentration (mg/l)*
Arsenic	0.05
Barium	1.0
Cadmium	0.01
Chromium (Hexavalent)	0.05
Cyanide	0.025
Fluoride	1.0
Lead	0.05
Selenium	0.01
Silver	0.05

(2) *Industrial water supply.* The following criteria are applicable to water at the point at which water is withdrawn for use, either with or without treatment, for industrial cooling and processing (other than food processing) and shall be applicable only within a mixing zone.

(a) *pH:* Not less than 5.0 nor greater than 9.0 at any time.

(b) *Temperature:* Not to exceed 95°. AT ANY TIME.

(C) °*Dissolved solids:* Not to exceed 750 mg/l as a monthly average value, nor exceed 1,000 mg/l at any time. (Values of specific conductance of 1,200 and 1,600 micromhos/cm (at 25°.) MAY BE CONSIDERED EQUIVALENT TO DISSOLVED-SOLIDS CONCENTRATIONS OF 750 AND 1,000 MG/l.)

(3) °*Aquatic life.* The following criteria are for evaluation of conditions for the maintenance of well balanced, indigenous fish population. The aquatic use standards shall not apply to areas immediately adjacent to outfalls. Areas immediately adjacent to outfalls shall be as small as possible, be provided for mixing only, and shall not prevent the free passage of fish and drift organisms.

(a) *Dissolved oxygen.* Concentrations shall average at least 5.0 mg/l per calendar day and shall not be less than 4.0 mg/l at any time or any place outside the mixing zone.

(b) *pH:* No values below 6.0 nor above 9.0.

(c) *Temperature:*

(i) Not to exceed 89°.

(II) THERE SHALL BE NO ABNORMAL TEMPERATURE CHANGES THAT MAY AFFECT AQUATIC LIFE UNLESS CAUSED BY NATURAL CONDITIONS.

(III) THE NORMAL DAILY AND SEASONAL TEMPERATURE FLUCTUATIONS THAT EXISTED BEFORE THE ADDITION OF HEAT DUE TO OTHER THAN NATURAL CAUSES SHALL BE MAINTAINED.

(IV) THE MAXIMUM TEMPERATURE RISE AT ANY TIME OR PLACE ABOVE NATURAL TEMPERATURES SHALL NOT EXCEED 5. IN STREAMS. IN ADDITION, THE WATER TEMPERATURE FOR ALL STREAMS SHALL NOT EXCEED THE MAXIMUM LIMITS INDICATED IN THE FOLLOWING TABLE:

°*Stream maximum temperature for each month in* [.]

January	50
February	50
March	60
April	70
May	80
June	87
July	89
August	89
September	87
October	78
November	70
December	57

(v) The allowable temperature increase in public water impoundments will be limited to 3[. IN THE EPILIMNION IF THERMAL STRATIFICATION EXISTS. PUBLIC WATER IMPOUNDMENTS

INCLUDE ALL IMPOUNDED WATERS OF THE COMMONWEALTH WHICH ARE OPEN TO THE PUBLIC AND USED BY THE PUBLIC.

(D)]*Toxic substances:* Not to exceed one-tenth of the 96-hour median tolerance limit of fish; where there are substances that are toxic because of their cumulative characteristics other limiting concentrations may be used in specific cases as presently approved by the Federal Environmental Protection Agency, or as later adopted by the Water Pollution Control Commission.

(e) *Put-and-take trout streams:* The following criteria are applicable to those waters designated by the Commission as put-and-take trout streams:

(i) *Dissolved oxygen:* Concentrations shall not be less than 6.0 mg/l at any time or any place. Spawning areas (during the spawning season) shall be protected by a minimum DO concentration of 7.0 mg/l.

(ii) *Temperature:* Stream temperatures shall not be increased artificially above the natural temperature at any time in cold water trout streams.

(4) *Recreation:* Unless caused by natural conditions, the following criterion shall apply in waters to be used for recreational purposes, (including but not limited to such water-contact activities as swimming and water skiing).

Bacteria: The total coliform level shall not exceed an average 1,000 per 100 ml. Total coliform shall not exceed this number in 20 percent of the samples in a month, nor exceed 2400/100 ml on any day. If the level of total coliform is exceeded, then a fecal coliform standard shall be used. There shall be a reduction of fecal coliform to such degree that (i) during the months of May through October fecal coliform density in the discharge does not exceed 200 per 100 ml as a monthly geometric mean (based on not less than ten samples per month), nor exceed 400 per 100 ml in more than ten percent of the samples examined during a month, and (ii) during the months of November through April the density does not exceed 1,000 per 100 ml as a monthly geometric mean (based on not less than ten samples per month), nor exceed 2,000 per 100 ml in more than ten percent of the samples examined during a month.

(5) *Agricultural:* No criteria in addition to the minimum conditions enumerated in Section 2 are proposed for the evaluation of stream quality at the point at which water is withdrawn for agricultural and stock watering use.

Section 4. *Multiple uses.* One or more uses established in Section 3 may apply to the same waters. The use criteria shall apply to those waters suitable for the use or uses provided in Section 3. In the event there is a conflict between or among the applicable uses, the more stringent use criteria shall apply.

WP-6-2. Use Classification of Waters, Treatment Requirements, and Compliance.

Section 1. (1) Except as otherwise provided by law, all waters shown on the map "Streams of Kentucky" prepared by the Kentucky Department of Commerce, Frankfort, Kentucky 1973, (Scale 1" = 10 miles) are classified for all uses in accord with WP-4-1, Sections 3 and 4.

(2) All discharges to waters not shown on the map described in (1) of this section shall meet all use classifications set forth in WP-4-1, Sections 3 and 4, at the point where those waters join with waters shown on the map.

Section 2. (1) All persons who discharge through point sources, including but not limited to any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged, shall satisfy the requirements of this section.

(2) All persons who discharge through a point source shall apply the best practicable control technology considering such factors as the total cost of the application of such technology in relation to the effluent reduction benefits to be achieved from such application, the age of the equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact and such other factors as the Department considers appropriate to treatment facilities not later than July 1, 1977.

(3) All persons who discharge through a point source shall apply the best available technology economically achievable by July 1, 1983. In determining what is the best available technology economically achievable, the factors in (2), of this section, shall be considered, and in addition, any control measures and practices available to eliminate the discharge of pollutants, taking into account the cost of eliminating the discharge of pollutants.

(4) Where coliform bacteria are present in a discharge, disinfection shall be required in accord with WP-4-1, Section 3(4).

Section 3. All existing facilities shall satisfy applicable sections of this regulation or be committed to a compliance schedule which will achieve the same result. New facilities shall satisfy Sections 1 and 2 upon commencing operations.

Section 4. (1) All permits on existing facilities shall be reviewed to insure that they shall satisfy the requirements of Sections 1, 2, and 3. When the permit for an existing facility is reviewed, the person(s)

responsible shall be notified to submit an application for a permit anew with such supporting information as may be required by the Department.

(2) Upon notice of review, persons failing to submit a complete application within 60 days shall be in violation of this regulation unless an extension is granted by the Department.

Section 5. (1) The Department shall refuse to issue a permit to any applicant where the discharge, in the judgment of the Department, does not conform to the Policy of the Commonwealth as set forth in KRS Chapter 224.

(2) This ratification and approval of the foregoing water pollution regulations WP-4-1 and WP-6-2 shall not operate to prohibit the Department of Natural Resources and Environmental Protection from making such charges or modifications in the foregoing regulations as it deems advisable and in the furtherance of the quality of the waters of the Commonwealth.

Section 6. Whereas, it is imperative that water pollution and water quality standards are adopted without delay, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

The Committee on Cities reported **HB 223, HB 565, HB 573, HB 633, HB 635, HB 636, HB 675, HB 699, HB 722,** and **HB 723** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 223, AN ACT relating to the ownership of property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 381.810 is amended to read as follows:

As used in KRS 381.805 to 381.910, unless the context otherwise requires:

(1) "Apartment" means an *enclosed* [inclosed] space consisting of one or more rooms occupying all or part of a floor *or floors* in a building of one or more floors or stories regardless of whether it be designed for residence, for office, for the operation of any industry or business, or for any other type of independent use, provided it has a direct exit to a thoroughfare or to a given common space leading to a thoroughfare;

(2) "Condominium" means the ownership of single units in a multiple unit structure with common elements;

(3) "Condominium Project" means a real estate condominium project; a plan or project whereby four or more apartments, rooms, office spaces or other units in existing or proposed buildings or structures are offered or proposed to be offered for sale;

(4) "Co-owner" means a person, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof who owns an apartment within the building;

(5) "Council of co-owners" means all the co-owners as defined in subsection (4) of this section;

(6) "Developer" means a person who undertakes to develop a real estate condominium project;

(7) "General common elements" means and includes:

(a) The land whether leased or in fee simple, on which the building stands;

(b) The foundations, main walls, roofs, halls, lobbies, stairways, and entrances and exits or communication ways;

(c) The basements, flat roofs, yards, and gardens, except as otherwise provided or stipulated;

(d) The premises for the lodging of janitors or persons in charge of the building, except as otherwise provided or stipulated;

(e) The compartments or installations of central services such as power, light, gas, cold and hot water, refrigeration, reservoirs, water tanks and pumps, and the like;

(f) The elevators, garbage incinerators and in general all devices or installations existing for common use; and

(g) All other elements of the building rationally of common use or necessary to its existence, upkeep and safety;

(8) "Limited common elements" means and includes those common elements which are agreed upon by all of the co-owners to be reserved for the use of a certain number of apartments to the exclusion of the other apartments, such as special corridors, stairways and elevators, sanitary services common to the apartments of a particular floor, and the like;

(9) "Majority of co-owners" means fifty-one per cent of the co-owners;

(10) "Master deed" or "master lease" means the deed or lease recording the property of the horizontal property regime;

(11) "Person" means an individual, firm, corporation, partnership, association, trust or other legal entity or any combination thereto;

(12) "Property" means and includes the land whether leasehold or in fee simple and the building, all improvements and structures thereon and all easements, rights and appurtenances belonging thereto;

(13) "To record" means to record in accordance with KRS Chapter 382, or other recording statutes;

(14) All pronouns used in KRS 381.805 to 381.910 include the male, female and neuter genders and include the singular or plural numbers, as the case may be.

Section 2. KRS 381.830 is amended to read as follows:

(1) (a) An apartment owner shall have the exclusive ownership to his apartment and shall have a common right to a share, with other co-owners, in the common elements of the property, equivalent to the percentage representing the value of the individual apartment, with relation to the value of the whole property. This percentage shall be computed by taking as a basis the value of the individual apartment in relation to the value of the property as a whole.

(b) The percentage shall be expressed at the time the horizontal property regime is constituted, shall have a permanent character, and *except as provided in Section 4 of this Act,* shall not be altered without the acquiescence of the co-owners representing all the apartments of the building. *The master deed may, however, contain provisions relating to the appropriation, taking or condemnation by eminent domain by the federal, state or local government, or an instrumentality thereof, including, but not limited to, reapportionment or other change of the common interest appurtenant to each apartment, or part thereof, remaining after a partial appropriation, taking or condemnation.*

(c) The basic value, which shall be fixed for the sole purpose of this chapter and irrespective of the actual value, shall not prevent each co-owner from fixing a different circumstantial value to his apartment in all types of acts and contracts.

(2) Each co-owner may use the elements held in common in accordance with the purpose for which they are intended, without hindering or encroaching upon the lawful rights of the other co-owners.

Section 3. KRS 381.885 is amended to read as follows:

(1) The council of co-owners shall [The co-owners may, upon resolution of a majority,] insure the building against risks, without prejudice to the right of each co-owner to insure his apartment on his own account and for his own benefit. *The premiums for such insurance on the building shall be considered common expenses.*

(2) The co-owners shall acquire and keep in force a master liability insurance policy to insure all apartment owners, their tenants and all persons lawfully in possession or control of any part of the property against liability for personal injury or property damage arising from risks common to all of the co-owners. The premiums for the insurance shall be considered common expenses and may be charged to the co-owners in proportions other than the percentage the value of the individual apartment bears to the value of the property as a whole.

Section 4. A new section of KRS Chapter 381 is created to read as follows:

(1) The owner of an apartment designed for office or commercial use may divide his apartment into two or more smaller apartments, or may combine his apartment with all or a part of one or more apartments to form a larger apartment. No interest in the apartment shall be conveyed until the declaration and floor plans have been modified as provided in this section.

(2) Prior to subdividing or expanding his apartment, the owner shall prepare a set of floor plans which shall show the changes being made in the apartment or apartments involved. The plans shall bear the verified statement of a registered architect or professional engineer that they accurately portray the apartment involved and the changes being made, and the apartment owner shall attach to the plans a verified statement which shall contain:

(a) The name by which the property is known;

(b) A reference to the book, page and serial number of the recorded declaration and floor plans of the property and any amendments thereto in the office of the county clerk of the county in which the land described in the declaration is situated;

(c) The original apartment number of each apartment involved in the change, a description or designation of the building in which the apartment or apartments are located, the apartment number of each apartment located on the same floor or floors of the building as any apartment involved, and the new apartment number of each apartment being formed;

(d) A statement of the location, approximate area, number of rooms and the structural changes in the perimeter and interior walls, floors, ceilings, windows and doors of the apartment being formed and the immediate common element or limited common element to which the apartment has access, and any other data necessary for the proper identification of the apartment or apartments being formed by changes to the original apartment or apartments;

(e) A description of the percentage or percentages of interest of the original apartment or apartments in the common elements, and a description of the new percentage or percentages of interest in the common

elements of the apartment or apartments being formed. The percentage of interest in the common elements of the apartment or apartments being formed shall be in proportion to the fair value of the original apartment or apartments;

(f) Any further provisions that would serve to clarify the changes being made.

(2) The floor plans and verified statement shall be approved in writing by the council of co-owners, by the owners of each apartment located on the same floor or floors of the building in which the apartment or apartments being altered are located, and by any person holding a lien on such apartment or apartments, and shall be filed for record with the county clerk in the county in which the land described in the declaration is situated as provided in KRS 381.835. The floor plans and verified statement shall be considered as an amendment to the original declaration and floor plans for the sole purpose of altering the size of an apartment or apartments and the corresponding percentage of interest in the common elements.

Section 5. A new section of KRS Chapter 381 is created to read as follows:

(1) Where a judgment arising from a risk common to all of the co-owners is in excess of the liability insurance in force, the liability of any co-owner shall not exceed his pro rata share as determined by the percentage the value of his individual apartment bears to the value of the property as a whole. An uncollected share of a judgment shall not be reassessed among the other co-owners.

(2) Any apartment owner shall be individually liable for injuries or damages which result from his own conduct or which occur within his individual apartment to the same extent and degree as the individual owner of any other residential or commercial property.

Section 6. A new section of KRS Chapter 381 is created to read as follows:

If a condominium does not contain any unit which is designed for occupancy by only one family or household, or if the floor area of all those units which are designed for occupancy by only one family or household does not in the aggregate exceed ten percent of the floor area of all units in the condominium, then the following provisions shall be applicable notwithstanding any other provisions of this chapter:

(1) The by-laws may provide:

(a) That to any extent specified in the by-laws the common profits shall be distributed among, and the common expenses shall be charged to, the unit owners in proportions other than according to their respective percentages of the undivided interest in the common areas and facilities;

(b) That to any extent specified in the by-laws the unit owners shall not be personally liable for sums assessed for their share of common expenses, but such provisions shall not adversely affect any lien for said share;

(c) For limitations upon the first mortgages of record or the types or categories thereof which shall have priority over the liens provided for in KRS 381.883(2) which may be dependent on the person or entity to whom such mortgages are given or upon such other criteria as may be specified in the by-laws;

(d) A procedure for submitting the disputes arising from the administration of the condominium to arbitration or other impartial determination;

(e) Provisions giving a particular apartment owner or owners voting rights with respect to election of directors, trustees or members of a managing board less than, or in excess of, the voting rights which such owner or owners would otherwise have had, and provisions requiring or permitting approval of any matter, or any specified category or categories of matters, by a proportion greater than a majority, which proportion may be as great as one hundred percent;

(f) Terms and conditions differing from those set forth in KRS 381.830, 381.890 or 381.895 regarding rebuilding made necessary by fire or other casualty loss, the making of improvements and allocation of the costs of such rebuilding or improvements, and the removal of the condominium or portion thereof from the provisions of this chapter; and in such case the terms and conditions of the by-laws shall take precedence over the provisions of KRS 381.830, 381.890 or 381.895 to the extent they are inconsistent.

(2) The master deed need not contain a statement of the number of rooms in any unit designed for purposes other than dwelling.

(3) The plans or drawings required by KRS 381.815 need not include non-structural walls by which the interior of an apartment is divided.

The Committee Substitute for **HB 223** is as follows:

HB 223, AN ACT relating to the ownership of property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 381.810 is amended to read as follows:

As used in KRS 381.805 to 381.910, unless the context otherwise requires:

(1) *"Unit"* ["Apartment"] means an enclosed space *as measured from interior unfinished surfaces* consisting of one or more rooms occupying all or part of a floor in a building of one or more floors or stories regardless of whether it be designed for residence, for office, for the operation of any industry or business, [or] for any other type of independent use *or any combination of the above uses*, provided it has a direct exit to a thoroughfare or to a given common space leading to a thoroughfare;

(2) "Condominium" means the ownership of single units in a *single unit or a* multiple unit structure *or structures* with common elements;

(3) "Condominium Project" means a real estate condominium project; a plan or project whereby *two* [four] or more apartments, *town houses,* rooms, office spaces, or other units in existing or proposed buildings or structures are offered or proposed to be offered for sale;

(4) "Co-owner" means a person, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof who owns *a unit* [an apartment] within the building;

(5) "Council of co-owners" means all the co-owners as defined in subsection (4) of this section;

(6) "Developer" means a person who undertakes to develop a real estate condominium project;

(7) "General common elements" means and includes:

(a) The land whether leased or in fee simple, on which the building *or buildings stand* [stands];

(b) The foundations, main walls, roof, halls, lobbies, stairways, and entrances and exits or communication ways;

(c) The basements, flat roofs, yards, and gardens, except as otherwise provided or stipulated;

(d) The premises for the lodging of janitors or persons in charge of the *building(s)* [building], except as otherwise provided or stipulated;

(e) The compartments or installations of central services such as power, light, gas, cold and hot water, refrigeration, reservoirs, water tanks and pumps, and the like;

(f) The elevators, garbage incinerators and, in general all devices or installations existing for common use; [and]

(g) Recreational facilities, easements and other facilities outside the building(s), including facilities off-site, available for the common use, in part or in whole, of the regime; and

(h) [(g)] All other elements of the *property* [building] rationally of common use or necessary to its existence, upkeep and safety;

(8) "Limited common elements" means and includes those common elements which are agreed upon by all of the co-owners to be reserved for the use of *a particular unit or* a certain number of *units* [apartments] to the exclusion of the other *units* [apartments], such as special corridors, stairways, *balconies, patios,* [and] elevators, *utilities* [sanitary services] common to the *units* [apartments] of a particular floor *or building*, and the like;

(9) "Majority of co-owners" means *owners of fifty-one percent of the floor area of units comprising the regime* [fifty-one percent of the co-owners];

(10) "Master deed" or "master lease" means the deed or lease *declaring* [recording] the property *to be a* [of the] horizontal property regime;

(11) "Person" means an individual, firm, corporation, partnership, association, trust or other legal entity or any combination thereto;

(12) "Property" means and includes the land whether leasehold or in fee simple and [the building,] all improvements and structures thereon and all easements, rights and appurtenances belonging thereto;

(13) "To record" means to record in accordance with KRS Chapter 382, or other recording statutes;

(14) All pronouns used in KRS 381.805 to 381.910 include the male, female and neuter genders and include the singular or plural numbers, as the case may be.

Section 2. KRS 381.815 is amended to read as follows:

Whenever a developer, the sole owner, or the co-owners of a building *or buildings, constructed or to be constructed,* expressly declare, through the recordation of a master deed or lease, which shall set forth the particulars enumerated by KRS 381.835, their desire to submit their property to the regime established by KRS 381.805 to 381.910, there shall be thereby established a *condominium* [horizontal] property regime.

Section 3. KRS 381.820 is amended to read as follows:

Once the property is submitted to the *condominium* [horizontal] property regime, *a unit* [an apartment] in the *building(s)* [building] may be individually conveyed and encumbered and may be the subject of ownership, possession or sale and of all types of juridic acts inter vivos or mortis causa, as if it were sole and entirely independent of the other *units* [apartments] in the *building(s)* [building] of which they form a part, and the corresponding individual titles and interest shall be recordable.

Section 4. KRS 381.825 is amended to read as follows:

Any *unit* [apartment] may be jointly or commonly owned by more than one person.

Section 5. KRS 381.830 is amended to read as follows:

(1) (a) *A unit* [An apartment] owner shall have the exclusive ownership to his *unit* [apartment] and shall have a common right to a share, with other co-owners, in the common elements of the property, equivalent to the percentage representing the *floor area* [value] of the individual *unit* [apartment], with relation to the *floor area* [value] of the whole property. This percentage shall be computed by taking as a basis the *floor area* [value] of the individual *unit* [apartment] in relation to the *floor area* [value] of the property as a whole.

(b) *Such* [The] percentage *of common interest* shall be expressed at the time the *condominium* [horizontal] property regime is constituted, shall have a permanent character, and, *except as may be otherwise provided in this Act,* shall not be altered without the acquiescence of the co-owners representing all the *units* [apartments] of the *building(s)* [building]. *The master deed may, however, contain provisions relating to the appropriation, taking or condemnation by eminent domain by the federal, state or local government, or an instrumentality thereof, including, but not limited to, reapportionment or other change of the common interest appurtenant to each unit, or part thereof remaining after a partial appropriation, taking or condemnation. The master deed of a regime under construction may further provide that by later amendment thereto and upon completion of all units, percentage of common interest shall be redistributed on an as-built basis provided, however, that the number of units originally constituted in the regime may not be increased during construction.*

[(c) The basic value, which shall be fixed for the sole purpose of this chapter and irrespective of the actual value, shall not prevent each co-owner from fixing a different circumstantial value to his apartment in all types of acts and contracts.]

(2) Each co-owner may use the *general common* elements [held in common] in accordance with the purpose for which they are intended, without hindering or encroaching upon the lawful rights of the other co-owners.

Section 6. KRS 381.835 is amended to read as follows:

The county clerk shall immediately set up the mechanics and methods by which recordation of a master deed or lease and of the individual *units* [apartments] may be made. Provisions shall be made for the recordation of the individual *units* [apartments] on subsequent re-sales, mortgages and other encumbrances, as is done with all other real estate recordation. The master deed or lease to which KRS 381.815 refers shall express the following particulars:

(1) The description of the land, whether leased or in fee simple, and the building, expressing their respective areas;

(2) The general description and the number of each *unit* [apartment], expressing its area, location and any other data necessary for its identification;

(3) The description of the general common elements of the building; and

(4) The common elements, both general and limited, shall remain undivided and shall not be the object of an action for partition or division of the co-ownership. Any covenant to the contrary shall be void.

(5) Simultaneously with the recording of the declaration, there shall be filed in the office of the recording officer a set of the floor plans of the building or buildings, showing the layout, location, *unit* [apartment] numbers and dimensions of the *units* [apartments], stating the name of the property or that it has no name, and bearing the verified statement of a registered architect or professional engineer certifying that it is an accurate copy of portions of the plans of the *building(s)* [building] as filed with and approved by the county or city and county officer having jurisdiction over the issuance of permits for the construction of buildings, *or, in the alternative, certifying that the plans fully and accurately depict the layout, location, unit numbers and dimensions of the units as built.* If the plans do not include a verified statement by such architect or engineer that such plans fully and accurately depict the layout, location, *unit* [apartment] numbers and dimensions of the *units* [apartments] as built, there shall be recorded prior to the first conveyance of any *unit* [apartment] an amendment to the declaration to which shall be attached a verified statement of a registered architect or professional engineer *so* certifying [that] *as to* the plans theretofore filed, or being filed simultaneously with such amendment[, fully and accurately depict the layout, location, apartment numbers and dimensions of the apartments as built]. The plans shall be kept by the recording officer in a separate file for each property, indexed in the same manner as a conveyance entitled to record, numbered serially in the order of receipt, each designated "*condominium* [apartment] ownership", with the name of the property, if any, and each containing an appropriate reference to the recording of the declaration. Correspondingly, the record of the declaration, shall contain a reference to the file number of the floor plans of the building or buildings on the property affected thereby.

Section 7. KRS 381.840 is amended to read as follows:

The deed of each individual unit shall describe such unit by making reference to the applicable master deed and floor plans required under KRS 381.835, designating the letter or number or other appropriate designation of the unit, followed by the words "a condominium unit". Any conveyance of an individual unit shall be deemed to also convey the undivided interest of the owner in the common elements, both general and

limited, appertaining to said unit without specifically or particularly referring to same.

[The deed of each individual apartment shall express the particulars prescribed under subsections (1) and (2) of KRS 381.835 relative to the apartments concerned and shall also express all encumbrances thereon.]

Section 8. KRS 381.860 is amended to read as follows:

The administration of *the* [every] building *or buildings* constituted into a *condominium* [horizontal] property regime shall be governed by bylaws approved and adopted by the council of co-owners. The bylaws may be amended from time to time by *vote of a majority of* the council.

Section 9. KRS 381.865 is amended to read as follows:

The administrator, or board of administration, or the person appointed *pursuant to* [by] the by-laws of the regime, shall keep a book with a detailed account of the receipts and expenditures affecting the *project* [building] and its administration and specifying the maintenance and repair expenses of the common elements and any other *common* expenses incurred by or in behalf of the regime. Both the book and vouchers accrediting the entries made thereon shall be available for examination by all the co-owners at convenient hours on working days that shall be set and announced for general knowledge. All books and records shall be kept in accordance with good accounting procedures and be audited at least once a year by an auditor outside of the organization.

Section 10. KRS 381.870 is amended to read as follows:

All co-owners are bound to contribute *in accordance with their percentage of common interest* [pro rata] toward the expenses of administration and of maintenance, repairs *and replacement reserves* of the general common elements, and, in the proper case, of the limited common elements of the regime, and toward any other expenses lawfully *assessed under the master deed and/or* [agreed upon] by the council of co-owners. *Provided, however, that the master deed may provide for adjustments by the council of co-owners for contributions proportioned upon a consideration of a combination of floor area, the number of occupants, demand on public utilities and accessibility to limited common elements.* No owner shall be exempt from contributing toward such expenses by waiver of the use or enjoyment of the common elements, *both general and limited,* or by abandonment of the *unit* [apartment] belonging to him; *provided, abatement or reduction in an owner's contribution may be granted by the council of co-owners for a reasonable period of time, during which a unit is uninhabitable as the result of damage or destruction.*

Section 11. KRS 381.875 is amended to read as follows:

The laws relating to exemptions as set out in KRS Chapter 427 are applicable to the individual *units* [apartments] which shall have the benefit of said exemption in those cases the same as in ownership of any other property.

Section 12. KRS 381.883 is amended to read as follows:

All sums assessed by the council of co-owners but unpaid for the *unit's* share of the common expenses [chargeable to any apartment] constitute a lien on such *unit* [apartment] prior to all other liens, except only (1) liens for taxes and assessments lawfully imposed by governmental authority against such *unit* [apartment], and (2) all sums unpaid on *first* mortgages of record. Such lien may be *enforced* [foreclosed] by suit by the administrator or board of administration, acting on behalf of the *unit* [apartment] owners, in like manner as a mortgage of real property. In any such *enforcement action* [foreclosure] the *unit* [apartment] owner shall be required to pay a reasonable rental for the *unit* [apartment], if so provided in the bylaws, and the plaintiff in such *enforcement action* [forclosure] shall be entitled to the appointment of a receiver to collect the same. The administrator or board of administration, acting on behalf of the *unit* [apartment] owners, shall have power, unless prohibited by the declaration, to bid in the *unit* [apartment] at *court* [foreclosure] sale, and to acquire and hold, lease, mortgage and convey the same. Suit to recover a money judgment for unpaid common expenses *of an owner* shall be maintainable without *lien enforcement* [foreclosing] or waiving the lien securing the same.

Section 13. KRS 381.885 is amended to read as follows:

The council of co-owners may acquire insurance protection for the regime, including, but not exclusively, casualty, liability and employee workman's compensation insurance, without prejudice to the right of each co-owner to insure his own unit on his own account and for his own benefit. The premiums on such insurance shall be considered common expenses, enforceable under lien rights, provided, should the amount of any insurance premium be affected by a particular use of a unit or units, the owners of such units shall be required to pay any increase in premium resulting from such use.

[The co-owners may, upon resolution of a majority, insure the building against risks, without prejudice to the right of each co-owner to insure his apartment on his own account and for his own benefit.]

Section 14. KRS 381.890 is amended to read as follows:

(1) In case of fire or other destruction or damage the regime's insurance indemnity, except as provided in subsection (3) of this section, shall be applied to reconstruct and repair the common elements affected.

(2) Where the destruction and damage is not insured or where the insurance indemnity is not sufficient to cover the cost of reconstruction or repair, the cost (or added cost) shall be paid by the co-owners as a common expense, the council by a majority vote being authorized to borrow funds therefor and to amortize

the repayment of same over a period of time, not exceeding the reasonable life of the reconstruction or repairs.

(3) Reconstruction shall not be compulsory where two-thirds or more of a building is destroyed provided there are provisions in the master deed or bylaws of the regime making adequate provision for reasonable compensation to those co-owners who are deprived of their interest as the result of the failure to reconstruct and further providing for the recalculation and redistribution of the percentage of common interest.

[(1) In case of fire or any other disaster the insurance indemnity shall, except as provided in subsection (2) of this section, be applied to reconstruct the building.

(2) Reconstruction shall not be compulsory where it comprises the whole or more than two-thirds of the building. In such case, and unless otherwise unanimously agreed upon by the co-owners, the indemnity shall be delivered pro rata to the co-owners entitled to it in accordance with provision made in the bylaws or in accordance with a decision of three-fourths of the co-owners if there is no bylaw provision.

(3) Should it be proper to proceed with the reconstruction, the provisions for such eventuality made in the bylaws shall be observed, or in lieu thereof, the decision of the council of co-owners shall prevail.]

Section 15. KRS 381.900 is amended to read as follows:

Taxes, assessments and other charges of this State, or of any political subdivision, or of any special improvement district, or any other taxing or assessing authority shall be assessed against and collected on each individual *unit* [apartment], each of which shall be carried on the tax books as a separate and distinct entity for that purpose, and not on the [building or] property as a whole. The valuation of the general and limited common elements shall be assessed proportionately among the co-owners thereof. No forfeiture or sale of the *improvements* [building] or property as a whole for delinquent taxes, assessments or charges shall ever divest or in anywise affect the title to an individual *unit* [apartment] so long as taxes, assessments and charges to said individual *unit* [apartment] are currently paid.

Section 16. A new section of KRS Chapter 381 is created to read as follows:

(1) The owner of a unit designed for office, industrial or business use may divide his unit into two or more smaller units. No interest in the unit shall be conveyed until the master deed and floor plans have been modified as provided in this section.

(2) Prior to subdividing his unit, the owner shall prepare a set of floor plans which shall show the changes being made in the unit involved. The plans shall bear the verified statement of a registered architect or professional engineer that they accurately portray the unit involved and the changes being made, and the unit owner shall attach to the plans a verified statement which shall contain:

(a) The name by which the property is known;

(b) A reference to the book and page of the recorded master deed and floor plans of the property and any amendments thereto in the office of the county clerk of the county in which the land described in the master deed is situated;

(c) The original unit number of each unit involved in the division, a description or designation of the building in which the unit is located, and the new unit number of each unit being formed;

(d) A statement of the location, approximate area, number of rooms and the structural changes in the perimeter and interior walls, floors, ceilings, windows and doors of the unit being formed and the immediate common element or limited common element to which the unit has access, and any other data necessary for the proper identification of the units being formed by changes to the original unit;

(e) A description of the percentage of interest of the original unit in the common elements, and a description of the new percentage or percentages of interest in the common elements of the units being formed. The percentage of interest in the common elements of the units being formed shall be in proportion to the floor area of the original unit and shall, when taken cumulatively, total the same percentage of interest in the common elements as that of the original unit;

(f) Any further provisions that would serve to clarify the changes being made.

(3) The floor plans and verified statement shall be approved in writing by a majority, unless otherwise provided by the master deed, of the council of co-owners, and by any person holding a lien on such units, and shall be filed for record with the county clerk in the county in which the land described in the master deed is situated as provided in KRS 381.835. The floor plans and verified statement shall be considered as an amendment to the original master deed and floor plans for the sole purpose of dividing a unit and the corresponding percentage of interest in the common elements.

Section 17. A new section of KRS Chapter 381 is created to read as follows:

(1) Where a judgment arising from a risk common to all of the co-owners is in excess of the liability insurance in force, the liability of any co-owner shall not exceed his pro rata share as determined by the percentage the value of his individual unit bears to the value of the property as a whole. An uncollected share of a judgment shall not be reassessed among the other co-owners.

(2) Any unit owner shall be individually liable for injuries or damages which result from his own negligence or willful misconduct or which occur within his individual unit to the same extent and degree as the

individual owner of any other residential, office, industrial or business property.

Section 18. A new section of KRS Chapter 381 is created to read as follows:

If a condominium does not contain any unit which is designed for occupancy by only one family or household, or if the floor area of all those units which are designed for occupancy by only one family or household does not in the aggregate exceed ten percent of the floor area of all units in the condominium, then the following provisions shall be applicable notwithstanding any other provisions of this chapter:

The master deed may provide:

(1) That to any extent specified in the master deed the common profits shall be distributed among, and the common expenses shall be charged to, the unit owners in proportions other than according to their respective percentages of the undivided interest in the common areas and facilities;

(2) That to any extent specified in the master deed the unit owners shall not be personally liable for sums assessed for their share of common expenses, but such provisions shall not adversely affect any lien for said share;

(3) That the priority provided in KRS 381.883(2) shall not prohibit subordination of a mortgage lien to the lien for common expenses;

(4) A procedure for submitting the disputes arising from the administration of the condominium to arbitration or other impartial determination;

(5) Provisions giving a particular unit owner or owners voting rights with respect to election of directors, trustees or members of a managing board less than, or in excess of, the voting rights which such owner or owners would otherwise have had, and provisions requiring or permitting approval of any matter, or any specified category or categories of matters, by a proportion greater than a majority, which proportion may be as great as one hundred percent;

(6) Terms and conditions differing from those set forth in KRS 381.830 or 381.890 regarding rebuilding made necessary by fire or other casualty loss, the making of improvements and allocation of the costs of such rebuilding or improvements, and the removal of the condominium or portion thereof from the provisions of this chapter; and in such case the terms and conditions of the master deed shall take precedence over the provisions of KRS 381.830 or 381.890 to the extent they are inconsistent.

Section 19. KRS 381.845 and 381.895 are repealed.

HB 565, AN ACT relating to urban county governments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 67A is created to read as follows:

The comprehensive plan for merging city and county governments into an urban county government under this chapter may provide for the corporate dissolution of incorporated municipalities within the county whereupon:

(1) For purposes of all state and federal licensing and regulatory laws, statutory entitlement, gifts, grants-in-aid, governmental loan, or other governmental assistance under state or federal laws, rules or regulations;

(a) The urban county shall be deemed a county and shall also be deemed to contain incorporated municipalities of the number and classes which existed in the county on the day prior to the date the urban county government became effective; and the entire geographic area and population of the urban county shall be considered in calculating and determining the distribution basis for state or federal statutory entitlements, gifts, grants-in-aid, loans, or other forms of governmental assistance;

(b) The urban county government is empowered to designate to the appropriate state or federal agency those geographic areas, portions of roads, segments of population, or combinations thereof which shall be deemed to constitute rural or urban areas, roads or population, notwithstanding whether such areas, roads or population are within incorporated municipalities.

(2) The chief executive officer of the urban county government shall determine and make the designations herein following a public hearing thereon. The urban county government shall fix the time and place of the hearing which shall be advertised pursuant to KRS Chapter 424.

HB 573, AN ACT relating to transit authorities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 96A.170 is amended to read as follows:

(1) An authority created and established under this chapter, together with its ownership, financing, operation, rates and charges for use of its services and facilities, rules and regulations, routes, schedules and quality of service within its transit area shall be exempt from all jurisdiction of the department of motor transportation of the commonwealth, provided, however, that no new service may be instituted in competition with an existing certificated bus company without an application to and a grant of authority from the department of motor transportation as provided by KRS chapter 281.

(2) *A* [No] transit authority may engage in *intrastate* [any] charter bus service *anywhere within the state without limitation to* [beyond the territorial limits of] its transit area.

HB 633, AN ACT relating to urban county governments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 67A is created to read as follows:

The territory of an urban county government may be divided into service districts. Each service district shall constitute a separate tax district within which the urban county government shall levy and collect taxes in accordance with the kind, type, level and character of the services provided by the urban county government in each of these districts. The legislative body of the urban county government may abolish or alter existing districts, or create new districts.

HB 635, AN ACT relating to urban county governments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 67A is created to read as follows:

(1) Urban county governments may exercise the constitutional and statutory rights, powers, privileges, immunities and responsibilities of counties and cities of the highest class within the county:

(a) In effect on the date the urban county government becomes effective;

(b) Which may subsequently be authorized for or imposed upon counties and cities of that class; and

(c) Which may be authorized for or imposed upon urban counties.

(2) Rights, powers, privileges and immunities exercised by urban county governments pursuant to subsection (1) (a) and (b) of this section shall continue to be authorized for urban county governments notwithstanding repeal or amendment of the statutes upon which they are based unless expressly repealed or amended for urban county governments.

Section 2. KRS 67A.040 is repealed.

HB 636, AN ACT relating to urban county governments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 67A is created to read as follows:

All fines, forfeitures and costs recovered by urban county courts for violations of the ordinances of the urban county government shall be paid into the treasury of the urban county government for the use and benefit of the urban county. The urban county court clerk shall collect all such fines, forfeitures and costs daily and deliver and account for said sums to the urban county government.

HB 675, AN ACT relating to civil service and pension systems in urban county governments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 90 is created to read as follows:

(1) In this Act, unless the context requires otherwise:

(a) "Administrative or directorial position" means the head of a department or other executive unit other than those excluded under subsection (1)(f) of this section of an urban county government. It is hereby provided that (i) in any urban government in a county wherein there had existed, just prior to the effective date of the urban county form of government, a city of the second class which had theretofore elected to operate under KRS 90.310 to 90.410, any such city's administrative or directorial employes who had not been included in the class of employes subject to civil service, and (ii) in any urban county government where the charter thereof so provides, any person holding an administrative or directorial position, who is, on the effective date of the urban county form of government, past the age of forty-five years and who has filled such position for a period of not less than one year next prior to December 31, 1973, may, if he elects, continue in said position without taking the competitive examination required by this Act.

(b) "Appointing authority" means the officer, commission, board or body having the power of appointment or removal in any office, department, commission, board or institution.

(c) "Civil service" means the offices and positions of trust or employment in the service of the city not specifically excluded by this Act, or by charter or ordinance of the urban county government.

(d) "Commission" means the board of civil service commissioners as established under this Act.

(e) "Dismissal" means the discharge of an employe.

(f) "Employe" means any person employed in the conduct of municipal affairs including an administrative or directorial position, but the term shall not include:

(i) Officers elected by the voters, and persons appointed to fill vacancies in elective offices;

(ii) Members of all boards, commission and authorities established under the provisions of the charter or by ordinance pursuant thereto;

(iii) The chief administrative officer or the appointed officer performing the functions ordinarily performed by a chief administrative officer, city manager, or chief executive officer, however the position is denominated;

(iv) Department commissioners of all executive departments created by the charter or by ordinance pursuant thereto;

(v) All administrative assistants appointed by the mayor or highest elective officer however denominated under the provisions of the charter and all secretaries excluded by the provisions of the charter.

(vi) Temporary or part-time employes and all persons employed to conduct special inquiries, investigations or studies for the urban county government.

(g) "Pension fund" means the moneys derived from the urban county government, and employes and the levy of a special tax, and any other sum derived from any other source, to be used for the retirement of employes after the prescribed years of service and for the benefit of disabled employes, and widows and dependent children in the case of death of an employe within the scope of his employment according to the terms of this Act, the urban county charter and the ordinance of the urban county government.

(h) "Seniority" for purposes of this Act refers to length of service as defined in the charter or ordinance, but shall in each case include such service under cities, counties or other municipalities which have been merged into the urban county government; except that the charter may limit seniority to seniority under such municipalities as had in effect, prior to the adoption of urban county government, a merit civil service system. Seniority and length of service for purposes of this Act shall be in accordance with rules established by the charter or ordinance, but shall in each case include service or seniority obtained under pension plans described in such section existing in municipalities prior to the adoption of urban county government, and shall in no case give credit to any service or seniority except in respect to such prior service in municipalities having such pension plans, or under urban county governments.

(2) The provisions of this Act are independent of and do not affect the laws governing the police and fire departments, nor their pension funds.

Section 2. A new section of KRS Chapter 90 is created to read as follows:

(1) Any urban county government shall operate under the provisions of this Act, and, by charter or ordinance, create a civil service commission, which shall hold examinations as to the qualifications of applicants for municipal employment within the urban county government that are designated by charter or ordinance. The urban county government shall, by ordinance, create civil service classifications for all employes consistent with the actual work to be performed by such employes.

(2) The mayor, or other appointing authority, as determined by the charter, subject to the approval of the urban county government legislative body, shall appoint five persons who shall constitute the civil service commission of that urban county government. Each appointee shall be at least thirty years of age and not related by either blood or marriage to the mayor or any member of the urban county government. The appointees shall originally be appointed, two for a term of two years and three for a term of four years, and the successors to these appointees shall be appointed in like manner, each for a period of four years and until his successor is appointed and qualified. A vacancy shall be filled for the unexpired term in the same manner as original appointments. There shall be chosen by the commission from among its members a secretary of the commission. The secretary shall be an employe of the urban county legislative body who is covered by the provisions of this Act, and the appointing authority shall appoint at least one such person to membership in the commission at all times. Each appointee shall qualify by taking an oath of office as required by law. The salaries of the members of the commission may be fixed by the urban county government legislative body in accordance with its charter.

(3) If the appointing authority of any urban county government fails to appoint a civil service commission within thirty days after he has the power to so appoint or after a vacancy exists, the vice mayor, or the second ranking elected executive officer of the urban county government, however designated, shall make the appointment and the appointee shall hold office until the expiration of the term and until his successor is appointed and qualified.

(4) The civil service commission shall make and enforce rules, not inconsistent with the provisions of this Act or the charter or the ordinances of the urban county government, for examinations and registrations therefor.

Section 3. A new section of KRS Chapter 90 is created to read as follows:

(1) The civil service commission shall prescribe and propound such examinations as are proper, commensurate with vacant positions within the various departments of the urban county government, according to classification prescribed by ordinance, shall set such times and places for holding examinations as may be proper and shall give public notice of examinations by publication pursuant to KRS Chapter 424.

(2) The civil service commission shall, as soon after examinations as is practicable, certify to the mayor or other appointing authority, a list of the applicants so examined, with the one having the highest average ranked first, and all others ranked numerically according to the result of the examination.

(3) Every soldier, sailor, marine, members of the air forces, army nurses' corps and members of other branches of the military services and Red Cross nurses who served during the period of hostilities between the United States and the Central Powers in World War I and between the United States and Japan and Germany in World War II, or the Korean or Vietnam conflict who has not been dishonorably discharged, who is a resident voter of the urban county government and who is an applicant for any position of civil service of that urban county government shall be entitled to five percent increase on his examination mark.

(4) The civil service commission of urban county governments shall maintain an eligible list of not less than three for each position to be filled.

(5) The appointing authority may designate certain civil service positions and prescribe that for such positions the examinations shall first be given exclusively to current employes; provided, however, that if less than three employes with a minimum of two years' seniority achieve a passing grade, the examination shall be held in accordance with subsection (1) of this section.

Section 4. A new section of KRS Chapter 90 is created to read as follows:

The civil service commission shall examine all applicants as to their physical and mental qualification for the particular classification wherein they seek employment. To be eligible for examination a person must not be less than eighteen nor have passed his or her forty-sixth birthday, a law-abiding citizen of sobriety and integrity, and must be able to read and write and understand the English language; provided, however, that any present employe who is over forty-five years of age and who is otherwise qualified shall be eligible to take any promotional examinations.

Section 5. A new section of KRS Chapter 90 is created to read as follows:

Employes, and only employes, who at the time the provisions of this Act become effective have been in the employ of the urban county government, or any city or county or other municipality merged into such urban county government, for one year last past or having been employed after taking a merit system examination, shall not be required to stand an original examination, and shall be eligible for all the benefits provided by Section 2 through Section 10 of this Act unless the charter otherwise provides.

Section 6. A new section of KRS Chapter 90 is created to read as follows:

(1) The appointing authority shall make all civil service appointments, and the appointments shall be made only from the list of applicants certified to him by the civil service commission after examination. Appointments shall be made only by the selection of one of the three holding the highest averages in the particular class and grade wherein the vacancy exists, except as provided in subsection (6) of this section.

(2) Whenever it is imperative to fill a vacancy in classified civil service before the commission can certify a list of as many as three persons eligible for appointment after competitive examination, the

appointing authority shall nominate a competent person from the same class or next lower rank to the commission for noncompetitive examination, and if certified by the commission as qualified after the noncompetitive examination he may be appointed provisionally to fill the vacancy until an appointment can be made after competitive examination. This provisional appointment shall continue only until a regular appointment can be made from the eligible list prepared by the commission which eligible list shall be prepared within thirty days after a vacancy occurs.

(3) In case of great emergency and when no one upon the eligible list or by promotion from a lower rank is available, an appointment may be made by the appointing authority without examination, but in no case shall such appointment continue longer than thirty days, and in no case shall successive appointments be made of the same person, or other persons, to such vacancy.

(4) Temporary appointments made necessary by reason of illness or disability of regular employes shall continue only during such period of disability.

(5) The death of an employe shall not authorize an appointment without examination in urban county governments.

(6) Whenever, from any cause, there shall be a vacancy in any of the classified services, the employe in said classification ranking next highest in seniority, if he chooses, shall succeed to and fill the vacancy, unless upon charges made by the urban county government that the employe is not qualified to fill the vacancy, and after notice and upon trial to determine his qualifications in the same manner as is now required for the dismissal, suspension or reduction in grade or pay of an employe, it be established by the urban county government that the employe has not the necessary qualifications to enable him to discharge the duties of the office or position in which the vacancy occurs. Provided that in case of a vacancy in the classified service, where peculiar and exceptional qualifications of a particular professional or educational character are required, upon satisfactory evidence that for reasons stated in writing by the appointing authority, competitive examination in such case has failed to provide an eligible list; the commission may suspend the provisions requiring competitive examination under civil service.

(7) Where the service to be rendered by an appointee in the classified service is for a temporary period not to exceed thirty days, and the need of such service is imperative, the appointing authority may select for that temporary service any person on the list of those eligible for permanent appointment. Successive temporary appointments to the same position shall not be made under this provision. The acceptance or refusal by an eligible applicant of a temporary appointment shall not affect his standing on the register for permanent employment, nor shall temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position.

(8) No person shall be certified by the commission from an eligible list more than four times to the same appointing authority for the same or similar positions.

Section 7. A new section of KRS Chapter 90 is created to read as follows:

(1) No employe in the classified service of urban county government shall be dismissed, suspended or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination or violation of law involving moral turpitude.

(2) Any person may prefer charges in writing against any employe by filing them with the mayor or other appointing authority who shall communicate the charges without delay to the civil service commission. The charges must be signed by the person making them and must set out clearly each charge. The appointing authority shall, whenever probable cause appears, prefer charges against any employe whom he believes guilty of conduct justifying his removal. Upon the filing of charges the secretary of the civil service commission shall notify its members and serve a copy of the charges upon the accused employe with a statement of the date, place and hour at which the hearing of charges will begin, this hearing not to be held within three days of the date of the service of charges upon the accused employe. The day on which the charges are served on the accused employe shall count as one of the days of notice. The person accused may in writing waive the service of charges and demand trial within three days after they have been filed with the secretary of the civil service commission.

(3) Upon the hearing, the charges shall be considered traversed and put in issue, and the trial shall be limited to the issues presented by the written charges.

(4) The civil service commission may summon and compel attendance of witnesses at all hearings by subpoena issued by the secretary of that body and served upon the witnesses by members of the police department of the urban county government or any officer authorized to serve subpoenas, and the civil service commission shall have the power of a justice of the peace to punish for contempt. The accused employe may have subpoenaed any witnesses he may desire, upon furnishing their names to the secretary. As many as ten subpoenas may be served on the request of the accused employe without charge but each additional subpoena requested by him shall be issued by the secretary and served by the police department only upon payment of fifty cents to the secretary by the employe. The action and decision of the civil service commission on the charges shall be reduced to writing and kept in a book for that purpose and the written charge shall be attached to the book containing the body's decision.

(5) In cases where the head of the department or executive unit or the appointing authority has probable cause to believe an employe has been guilty of conduct justifying his removal or punishment, he shall immediately suspend that employe from duty or from both pay and duty pending trial and the employe shall not be placed on duty or allowed pay thereafter until the charges are heard by the civil service commission.

(6) The civil service commission shall punish any employe found guilty by reprimand or a suspension for any length of time not to exceed six months, or by reducing the grade, if the employe's classification warrants, or by combining any two or more of these punishments, or by dismissal. No employe shall be reprimanded, removed, suspended or dismissed except as provided in this section.

Section 8. A new section of KRS Chapter 90 is created to read as follows:

(1) Any employe of the urban county government found guilty by the civil service commission of any charge as provided by Section 7 of this Act may appeal to the circuit court of the county in which the urban county government is located, if the punishment is a suspension of more than thirty days, a reduction in grade, or dismissal, but the enforcement of the judgment of the civil service commission shall not be suspended pending appeal.

(2) Upon request in writing by the accused and the payment of costs therefor, the secretary of the civil service commission shall file a certified copy of the charges and the judgment of that body in the circuit court. Upon the transcript being filed the case shall be docketed in the circuit court and tried de novo.

(3) If the secretary fails to certify the transcript to the circuit court within five days after the request is made, then the aggrieved person may file an affidavit in that court setting out as fully as possible the charges made at the time of trial and judgment, together with a statement that demand for the transcript had been made of the secretary more than five days prior to the filing of the affidavit. Upon filing of this affidavit in the circuit court, the case shall be docketed in that court and the court may compel the filing of the transcript by the secretary by entering proper mandatory order, and upon failure of the secretary so to do, he shall be liable to fine and imprisonment for contempt. Such appeal shall have precedence over other business and be determined speedily.

(4) An appeal will lie from the judgment of the circuit court to the Court of Appeals as in other cases, if the original punishment fixed by the civil service commission was dismissal of the accused. An appeal will also lie from the judgment of a circuit court in any controversy arising under this section or any other section of the statutes relating to civil service for urban county governments.

Section 9. A new section of KRS Chapter 90 is created to read as follows:

(1) The urban county legislative body shall fix by ordinance the number and classification of urban county employes, and the salaries for each classification. When the number of employes and their classification has been fixed by charter or ordinance, including any ordinance of a city or other municipality existing prior to the adoption of the urban county form of government, which prior ordinance is adopted for any period of time by the urban county government under its charter or ordinance, no employe shall be dismissed, suspended or reduced in grade or pay for any reason except that set out in Section 7 of this Act.

(2) Provided, further, that whenever in the exercise of a reasonable discretion, it shall be the judgment of the legislative body of the urban county government that economic necessity requires it, or that there is no longer a need for a particular office or position to exist, the legislative body may abolish the office or position and any officer or employe occupying the office or position may be laid off or suspended until and if such office or position is recreated or reestablished. The abolition of any office or position must not be a subterfuge to effect another purpose, but must be actual and bona fide and must not amount to the mere alteration, modification or abolition of title only.

(3) Should any officer or employe conceive that he has been aggrieved by the abolition or the proposed abolition of the office or position, he may, at any time within ninety days, file a petition in the circuit court of the county wherein the urban county government is located, stating his reason why it should not be abolished, and upon issue joined thereon by the urban county government, the burden shall be on the latter to establish the necessity for and the good faith of the urban county government in abolishing the office or position. The right to abolish and the right to have the office or position recreated shall be determined as other equitable actions are determined.

(4) If the office or position is recreated or reestablished within five years, then any person who was deprived of his office or position shall be restored to the office or position he formerly held or occupied in the order of his seniority if he shall elect to do so, and the urban county government shall advise the officer or employe at his last known address and advertise pursuant to KRS Chapter 424, that the office or position has been recreated or reestablished.

Section 10. A new section of KRS Chapter 90 is created to read as follows:

(1) No person shall be appointed to any position because of political, partisan service rendered by him or his family, or because of political sentiment or affiliation nor shall any person be dismissed or reduced in grade because of any political opinion.

(2) No employe shall coerce or persuade another to actively participate in any way in any election.

Section 11. A new section of KRS Chapter 90 is created to read as follows:

(1) Any urban county government in which there existed a municipality which had in effect an employes' pension fund prior to its merger into the urban county form of government shall provide by charter or ordinance for the creation and maintenance of a pension fund for employes covered by the pension fund by a levy of a tax of not exceeding five cents ($.05) on each one hundred dollars ($100.00) value of taxable property in the area of the urban county government, the proceeds of that tax to be paid to the pension fund in cash, and shall in each case provide, by such tax or otherwise, for the payment to the pension fund in each month of the sum necessary to establish and maintain the fund in accordance with the actuarial principles established by the actuarial studies described hereafter, and may assess monthly such amount or percent of the salary of the employes as may be equitably determined on a fair actuarial basis, and in any case not in excess of six percent (6%) of the monthly salary of each employe, the assessment to be deducted from the employes' salaries and paid in cash into the pension fund. Within six months after the effective date of the urban county form of government, or within six months after the effective date of this statute, whichever shall be later, the trustees of the board shall, at the expense of the urban county government, provide for the performance of an actuarial study, which study shall be completed within six months thereafter, and which study shall describe the amounts necessary to be contributed by the urban county government or other sources to fund on an actuarially sound basis the benefits promised or described in the fund, including any payments required to bring the fund to an actuarially sound position in the event that it was not so at the time of the performance of the study, in which latter event the study shall also determine a reasonable period over which such additional funding shall be made, which period shall not exceed thirty years. A similar study shall be arranged by the board at the cost of the urban county government at least once in every five year period thereafter. In the event that the fund created by this Act is extended to cover employes not described in the first sentence hereof, the actuarial study shall determine the required payments so as to keep the expanded fund on an actuarially sound basis, and the urban county government shall maintain the fund as set out herein, and shall assess against the additional covered employes the same monthly contribution as is required for other government employes.

(2) There is hereby created a board for the pension fund and trustees of that board. Trustees from the pension fund board shall consist of the mayor, four members of the legislative body of the urban county government selected by the legislative body, the commissioner of the department of finance, the director of the division of personnel, and three civil service employes to be elected to the board by those employes covered by the employes' pension fund. In the event that there is no commissioner of the department of finance or director of the division of personnel, the appointed officer of the urban county government exercising the functions most closely resembling such office shall serve as trustee.

(3) Temporary employes appointed without examination shall not be compelled to contribute to any pension fund and shall not be eligible to benefits.

(4) In no year shall the contribution by the urban county government to the pension fund, in the manner provided in this section, be less than the total amount assessed upon and deducted from the salary of the employes.

(5) The trustees of the pension fund shall, at least once every three months, report in writing to the mayor the receipts, expenditures and financial status of the pension fund, stating the places of deposit of funds, or the character of investments made, and the mayor shall cause copies of the report to be posted in at least three places where urban county employes frequent and report.

Section 12. A new section of KRS Chapter 90 is created to read as follows:

From and after the adoption of the urban county form of government there shall be, with respect to each employe, an inviolable contract between the urban county government as employer and such employe; and the urban county government and its employees shall continue to operate under the provisions of this Act, and the ordinance first adopted hereunder. A repeal or modification of that ordinance by the urban county government shall in no way affect the contract, unless by the mutual consent of the urban county government and each affected employe. The contract and right shall not be affected, either directly or indirectly, by any action of the urban county government, its legislative body, executive officers, citizens or voters, whether under the guise of altering its form of government, adopting a new form of government or classification, abolishing any governmental or municipal entity and substituting same with another governmental or municipal entity, or any other means whatsoever. The first ordinance referred to in this paragraph shall include, if applicable, any ordinance of a city, county or other municipality existing prior to the adoption of the urban county form of government which is adopted by the urban county government for any period of time by its charter or ordinance. The contract shall include, and such actions shall not affect any substantial matter, including procedures and structures, for both pension and merit systems.

Section 13. A new section of KRS Chapter 90 is created to read as follows:

The legislative body of the urban county government is hereby authorized and empowered to establish and provide such other pension systems, Social Security programs or other retirement benefits allowable as may be deemed necessary or desirable for those employes not covered by the pension provisions of Sections 11

and 12 of this Act, and for the benefit of the employes covered by the provisions of these Sections.

Section 14. A new section of KRS Chapter 90 is created to read as follows:

All retirement allowances and other benefits accrued or accruing to any person under the provisions of this Act and the accumulated contributions and cash securities in the fund created under this Act, are hereby exempted from any state, county, or municipality tax, and shall not be subject to execution, attachment, garnishment, or any other process whatsoever, nor shall any assignment thereof be enforceable in any court.

The Committee Substitute for **HB 675** is as follows:

HB 675, AN ACT relating to civil service and pension systems in urban county governments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 90 is created to read as follows:

(1) In this Act, unless the context requires otherwise:

(a) "Administrative or directorial position" means the head of a department or other executive unit other than those excluded under section 2 of this Act.

(b) "Appointing authority" means the officer, commission, board or body having the power of appointment or removal in any office, department, commission, board or institution, under law, ordinance or Comprehensive Plan, and does not include any ratifying authority entitled to approve or disapprove an appointment.

(c) "Civil service" means the offices and positions of trust or employment in the service of the urban county government not specifically excluded by sections 2 to 14 of this Act.

(d) "Commission" means the Civil Service Commission as established under section 4 of this Act.

(e) "Comprehensive Plan" means the plan for merger of local governments provided in KRS 67A.

(f) "Competitive examination" means the examination or evaluation described in sections 3 and 4 of this Act.

(g) "Dismissal" means the discharge of an employee.

(h) "Employee" means any person employed in the conduct of municipal affairs including an administrative or directorial position, but the term shall not include:

(i) Officers elected by the voters, and persons appointed to fill vacancies in elective offices;

(ii) Members of all boards, commission and authorities established under the provisions of the Comprehensive Plan or by ordinance pursuant thereto;

(iii) The chief administrative officer as denominated in the Comprehensive Plan;

(iv) Department Commissioners of all executive departments created by the Comprehensive Plan or by ordinance pursuant thereto.

(v) All administrative assistants appointed by the Mayor or highest elective executive officer under the provisions of the Comprehensive Plan and all secretaries excluded by the provisions of the Comprehensive Plan.

(vi) Temporary or part-time employees and all persons employed to conduct special inquiries, investigations or studies for the urban county government;

(vii) Constitutional officers and their appointees;

(i) "Pension fund" means the moneys derived from the employees or the levy of a special tax, or any other sum derived from any other source, to be used for the retirement of employees after the prescribed years of service and for the benefit of disabled employees, and widows and dependent children in the case of death of an employee within the scope of his employment according to the terms of sections 12 through 14 of this Act, the Comprehensive Plan, or the ordinances of the urban county government, including retirement systems adopted pursuant to law.

(j) "Seniority" for purposes of sections 2 to 5 of this Act refers to length of service as defined in the Comprehensive Plan or ordinance, but shall in each case include such service under cities, counties or other municipalities which have been merged into the urban county government. Seniority and length of service for purposes of sections 12 and 13 of this Act shall be in accordance with rules established by the Comprehensive Plan or ordinance, but shall in each case include service or seniority obtained under pension plans described in such sections existing in municipalities prior to the adoption of urban county government, and shall in no case give credit to any service or seniority except in respect to such prior service in municipalities having such pension plans, or under urban county governments, except that the urban county government may purchase credits in lieu of seniority, the cost thereof being determined by the trustees of the pension fund, in accordance with sound actuarial principles, for employees whose seniority or length of service was under municipalities

other than those described herein.

(2) The provisions of sections 3 to 14 of this Act are independent of and do not affect the laws governing the police and fire departments, nor their pension funds.

Section 2. A new section of KRS Chapter 90 is created to read as follows:

An urban county government may by Comprehensive Plan or ordinance establish an executive unit charged with personnel matters. In the event such a unit is established, the urban county government shall by Comprehensive Plan or ordinance delegate to such unit, in addition to its regular functions not related to this statute, the initial performance of all or a part of the functions described as functions of the Commission in sections 3, 4, 5 and 7 of this Act, but no other sections hereof, except that in any event the decisions of the said unit shall be subject to review, amendment or change by the Commission. In the case of the certification of lists of eligible applicants for employment, such lists may be prepared by the executive unit, but shall be submitted to the appointing authority only after approval of the Commission; and in respect of all other matters delegated, periodic reports shall be made by the unit to the commission, not less than monthly, and any directions of the commission, or any proposed alterations or changes in the action of the unit shall be promptly complied with by the unit. The legislative body of the urban county government, subject to its Comprehensive Plan, may from time to time, revoke such delegation of authority to the executive unit, and may establish reasonable procedures for review of the actions of the executive unit, not in conflict with the provisions hereof, and not in conflict with the principle that personnel policy should in the first instance be determined by professional and trained personnel experts, but subject to the control of the civil service commission. All other provisions of this section notwithstanding, in the event that the Commission amends, alters or changes any action of the unit, or in the event that the Commission gives any directions to the unit as provided herein, or in any way acts to control the unit as provided herein, such amendment, change, alteration, direction or control shall be in writing and shall be supported by findings, which findings shall be supported by substantial evidence of the error of the unit.

Section 3. A new section of KRS Chapter 90 is created to read as follows:

(1) Any urban county government shall operate under sections 3 to 15 of this Act, and, by Comprehensive Plan or ordinance, create a Civil Service Commission, which shall hold culture-fair, open examinations or evaluations to determine the relative fitness of applicants for municipal employment within the urban county government that are designated by Comprehensive Plan or ordinance. The urban county government shall, by ordinance, create civil service classifications for all employees consistent with the actual work to be performed by such employees.

(2) The mayor, or other appointing authority, as determined by the Comprehensive Plan, subject to the approval of the urban county government legislative body, shall appoint five persons who shall constitute the Civil Service Commission of that urban county government. No appointee shall be related by either blood or marriage to the mayor or any member of the urban county legislative body. The appointees shall originally be appointed, two for a term of two years and three for a term of four years, and the successors to these appointees shall be appointed in like manner, each for a period of four years and until his successor is appointed and qualified. A vacancy shall be filled for the unexpired term in the same manner as original appointments. There shall be chosen by the Commission a Secretary of the Commission. The Secretary shall be an employee of the urban county government who is covered by the provisions of sections 2 to 11 of this Act. Each appointee shall qualify by taking an oath of office as required by law. The salaries, if any, of the members of the commission may be fixed by the urban county government legislative body in accordance with its Comprehensive Plan.

(3) If the appointing authority of any urban county government fails to appoint a Civil Service Commission within ninety days after he has the power to so appoint or after a vacancy exists, the Vice Mayor, or the second ranking elected executive officer of the urban county government, however designated, shall make the appointment and the appointee shall hold office until the expiration of the term and until his successor is appointed and qualified.

(4) The Civil Service Commission shall make and enforce culture-fair rules, not inconsistent with the provisions of sections 2 to 11 of this Act, or the Comprehensive Plan or the ordinance of the urban county government, for examinations and registrations therefor.

Section 4. A new section of KRS Chapter 90 is created to read as follows:

(1) The Civil Service Commission shall prescribe and propound such said examinations as are proper, commensurate with vacant positions within the various departments of the urban county government, according to classification prescribed by ordinance, shall set such times and places for holding examinations as may be proper and shall give public notice of vacancies by publication pursuant to KRS Chapter 424, and shall give actual notice to all eligible applicants of time and place of examinations. Provided, however, that the civil service commission may prescribe and propound job descriptions which reasonably establish minimum qualifications and standards for eligibility to take such examinations, but in no event shall such job descriptions be a subterfuge for the evasion of the requirement that employment be determined on the basis of the principles set out herein.

(2) The Civil Service Commission shall, as soon after examinations as is practicable, certify to the appointing authority, a list of the applicants so examined, with the one having the highest average ranked first, and all others ranked numerically according to the result of the examination. After the compilation of such a list the Commission may provide for further, substantially identical examinations, given on the same basis as the original examination, to supplement the list so compiled, and the results of each such subsequent examination shall be consolidated with the results of the prior examinations to provide an eligible list from among all of those who have taken such several examinations.

(3) Every soldier, sailor, marine, members of the air forces, Army Nurses Corps and members of other branches of the military services and Red Cross nurses who served during a period of hostilities between the United States and another power in World War II or the Korean or Vietnam conflict who has not been dishonorably discharged, is a resident voter of the urban county government and who is an applicant for any position of civil service of that urban county government shall be entitled to five percent increase on his examination mark on entrance into civil service employment.

(4) The Civil Service Commission of urban county governments shall maintain an eligible list of not less than three for each position to be filled.

(5) The legislative body may designate certain civil service positions and prescribe that for such positions the examinations shall first be given exclusively to current employees; provided, however, that if no employee with a minimum of six months seniority achieves a passing grade, an examination shall be held in accordance with Subsection (1) of this section, and shall be held, if less than three such persons achieve a passing grade if the appointing authority so determines.

Section 5. A new section of KRS Chapter 90 is created to read as follows:

The Civil Service Commission shall examine all eligible applicants as to their physical and mental qualification for the particular classification wherein they seek employment. To be eligible for examination a person must satisfy the minimum standards established under section 4 of this Act.

Section 6. A new section of KRS Chapter 90 is created to read as follows:

Employees, who at the time the provisions of sections 3 to 15 of this Act become effective have been in the employ of the urban county government, or any city or county or other municipality merged into such urban county government, (a) for six months last past or (b) having been employed after taking a merit system examination, shall not be required to stand an original examination, unless the Conprehensive Plan otherwise provides, and shall be eligible for all the benefits provided by sections 3 to 11 of this Act, unless the Comprehensive Plan otherwise provides.

Section 7. A new section of KRS Chapter 90 is created to read as follows:

(1) The appointing authority shall make all civil service appointments, and the appointments shall be made only from the list of applicants certified by the Civil Service Commission after examination. Appointments shall be made only by the selection of one of the three holding the highest averages in the particular class and grade wherein the vacancy exists, except as provided in subsection (6) and (7) of this section.

(2) Whenever it is imperative to fill a vacancy in classified civil service before the commission can certify a list of as many as three persons eligible for appointment after competitive examination, the appointing authority shall nominate a competent person from the same class or next lower rank to the Commission and if certified by the Commission as qualified he may be appointed temporarily to fill the vacancy until an appointment can be made after competitive examination. Temporary appointments hereunder and under subparagraph (3) hereof shall continue only until a regular appointment can be made from the eligible list prepared by the Commission.

(3) In the circumstances described in subparagraph (2) hereof, when no one upon the eligible list, or by promotion from the same class or the next lower rank is available, competent and qualified, a temporary appointment may be made by the appointing authority without examination. In no case shall appointment hereunder or under subparagraph (2) hereof continue longer than ninety days; and in no case shall successive appointments be made of the same person or other persons, to such vacancies, except hereunder or under subsection (2) of this section.

(4) Where the service to be rendered by an appointee in the classified service is for a temporary period as provided herein, the appointing authority shall select for that temporary service a person on the list of those eligible for permanent appointment, if such person accepts such appointment. Successive temporary appointments to the same position shall not be made under this provision. The acceptance or refusal by an eligible applicant of a temporary appointment shall not affect his standing on the register for permanent employment, nor shall temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position.

(5) Temporary appointments made by reason of these provisions, made necessary by reason of illness or disability of regular employees, may continue during such period of disability, but shall continue only during such period of disability and in no case longer than nine months. No other temporary appointments other than those provided for herein may be made, except that seasonal appointments may be made for

periods not in excess of six months.

(6) Seniority, in the executive unit in which the vacancy occurs, and seniority in the level or rank of employment nearest the level or rank in which the vacancy occurs, shall each be given material consideration in filling such vacancies as shall occur in the classified civil service. Within six months after the effective date hereof, or within six months after the effective date of the urban county government, there shall be established by Comprehensive Plan or ordinance (which function may be delegated to the commission, or to the executive unit charged with personnel matters subject to the control of the commission), a plan which in definite terms complies with this subsection. The said plan may be amended from time to time in accordance with the Comprehensive Plan or ordinance, but the effective date of any alteration therein shall be no sooner than 180 days after its adoption. Such plan shall provide for and describe in reasonable detail the circumstances, if any, under which the seniority described therein shall be the sole criteria for promotion, and the circumstances in which it will not, and in the latter case, shall provide a reasonably definite method by which applicants shall be entitled to an increase on their examination or evaluation scores by reason of such seniority, the relative importance of each such type of seniority in such determination, and the percentage increase in such scores for such seniority. The Circuit Court of the county in which the urban county government is located shall have jurisdiction to determine the reasonableness of such plan and alterations thereto, and its compliance with the principles set out in this subsection.

(7) In case of vacancy in the classified service, where peculiar and exceptional qualifications of a particular professional or educational character are required, upon satisfactory evidence that for reasons stated in writing by the appointing authority the commission may suspend the provisions requiring competitive examination under civil service.

(8) No person shall be certified by the commission from an eligible list more than two times to the same appointing authority for the same or similar positions.

Section 8. A new section of KRS Chapter 90 is created to read as follows:

(1) No employee in the classified service of urban county government, after serving a probationary period provided by Comprehensive Plan or ordinance for his class, which shall not be in excess of six months, shall be dismissed, suspended or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination or violation of law involving moral turpitude.

(2) Any person may prefer charges in writing against any employee by filing them with the appointing authority who shall communicate the charges without delay to the head of the executive unit in charge of personnel matters, and to the civil service commission. The charges must be signed by the person making them and must set out clearly each charge. The appointing authority shall, whenever probable cause appears, prefer charges against any employee whom he believes guilty of conduct justifying his removal or disciplinary action. Upon the filing of charges the Secretary of the civil service commission shall notify its members and serve a copy of the charges upon the accused employee with a statement of the date, place and hour at which the hearing of charges will begin, this hearing not to be held within three days of the date of the service of charges upon the accused employee. The day on which the charges are served on the accused employee shall count as one of the days of notice. The person accused may in writing waive the service of charges and demand trial within three days after they have been filed with the Secretary of the civil service commission.

(3) Upon the hearing the charges shall be considered traversed and put in issue, and the trial shall be limited to the issues presented by the written charges, provided, however, that the charges may be amended prior to trial, in which event the notice procedures hereinabove described shall be again complied with, and reasonable opportunity given for the preparation for trial on the amended charges.

(4) The civil service commission shall have the power to summon and compel attendance of witnesses at all hearings by subpoena issued by the Secretary of that body and served upon the witnesses by members of the police department of the urban county government or any officer authorized to serve subpoenas, and the civil service commission shall have the power of a justice of the peace to punish for contempt. The accused employee shall have the right to have subpoenaed any witnesses he may desire, upon furnishing their names to the Secretary. Subpoenas may be served on the request of the accused employee without charge. They shall be issued by the Secretary and served by the police department. The action and decision of the civil service commission on the charges shall be reduced to writing and kept in a book for that purpose and the written charge shall be attached to the book containing the body's decision.

(5) In cases where the head of the department or executive unit or the appointing authority has probable cause to believe an employee has been guilty of conduct justifying his removal or punishment he shall immediately suspend that employee from duty or from both pay and duty pending trial and the employee shall not be placed on duty or allowed pay thereafter until the charges are heard by the civil service commission.

(6) The civil service commission shall punish any employee found guilty by reprimand or a suspension for any length of time not to exceed six months, or by reducing the grade, if the employee's classification warrants, or by combining any two or more of these punishments, or by dismissal. No employee shall be reprimanded, removed, suspended or dismissed except as provided in this section.

(7) Irrespective of the other provisions of sections 3 to 11 of this Act, an employee may be suspended by the head of the executive unit in which he is employed, or by the appointing authority, but only as provided by Comprehensive Plan or ordinance, for a period not exceeding 30 days in any twelve month period, and may be reprimanded by such head or authority not more than twice in any twelve month period. In such event, the actions of such head or appointing authority shall be subject to appeal to the commission. Such appeal shall be filed with the Secretary of the commission within ten days of the action of the unit head or appointing authority, and may be reviewed, reduced, or revoked by the commission after a hearing in which the unit head or appointing authority shall have reasonable opportunity under rules established by the commission, to support his charges. The grounds of suspension or reprimand under this subsection shall be only those set out by Comprehensive Plan or ordinance. The Commission shall further have the power, in the event it finds that the unit head or appointing officer acted in error, to take such action as shall be necessary to compensate the appealing employee for such error. An appeal by an employee shall not suspend the operation of the action of the unit head or appointing authority pending action of the commission.

(8) Nothing herein shall prevent the Comprehensive Plan or ordinance from providing additional remedies and rights to employees.

Section 9. A new section of KRS Chapter 90 is created to read as follows:

(1) Any employee of the urban county government found guilty by the civil service commission of any charge as provided by section 8 of this Act or any action upheld under subsection (7) of the said section, or any amendment thereto, may appeal to the circuit court of the county in which the urban county government is located within thirty days after such action becomes final, but the enforcement of the judgment of the civil service commission shall not be suspended pending appeal.

(2) Upon request in writing by the accused and the payment of costs therefor, the Secretary of the civil service commission shall file a certified copy of the charges and the judgment of that body in the circuit court. Upon the transcript being filed the case shall be docketed in the circuit court and tried de novo.

(3) If the Secretary fails to certify the transcript to the circuit court within five days after the request is made, then the aggrieved person may file an affidavit in that court setting out as fully as possible the charges made at the time of trial and judgment, together with a statement that demand for the transcript had been made of the Secretary more than five days prior to the filing of the affidavit. Upon filing of this affidavit in the circuit court, the case shall be docketed in that court and the court may compel the filing of the transcript by the Secretary by entering proper mandatory order, and upon failure of the Secretary so to do, he shall be liable to fine and imprisonment for contempt. Such appeal shall have precedence over other business and be determined speedily.

(4) An appeal will lie from the judgment of the circuit court to the Court of Appeals as in other cases, if the original punishment fixed by the civil service commission was dismissal of the accused. An appeal will also lie from the judgment of a circuit court in any controversy arising under this section or any other section of the statutes relating to civil service for urban county governments.

Section 10. A new section of KRS Chapter 90 is created to read as follows:

(1) The urban county legislative body shall fix by ordinance the number and classification of urban county employees, and the salaries for each classification. When the number of employees and their classification has been fixed by Comprehensive Plan or ordinance, including any ordinance of a city or other municipality existing prior to the adoption of the urban county form of government, which prior ordinance is adopted for any period of time by the urban county govenment under its Comprehensive Plan or ordinance, no employee shall be dismissed, suspended or reduced in grade or pay for any reason except that set out in section 8 of this Act.

(2) Provided, further, that: Whenever in the exercise of a reasonable discretion, it shall be the judgment of the legislative body of the urban county government that economic necessity requires it, or that there is no longer a need for a particular office or position to exist, the legislative body may abolish said office or position and any officer or employee occupying said office or position may be laid off or suspended until and if such office or position is recreated or reestablished. The abolition of any office or position must not be a subterfuge to effect another purpose, but must be actual and bona fide and must not amount to the mere alteration, modification or abolition of title only.

(3) Should any officer or employee conceive that he has been aggrieved by the abolition or the proposed abolition of said office or position, he may, at any time within ninety days, file a petition in the circuit court of the county wherein the urban county government is located, stating his reason why it should not be abolished, and upon issue joined thereon by the urban county government, the burden shall be on the latter to establish the necessity for and the good faith of the urban county government in abolishing said office or position. The right to abolish and the right to have the office or position recreated shall be determined as other equitable actions are determined.

(4) If the office or position is recreated or reestablished within one year, then any person who was deprived of his office or position shall be restored to the office or position he formerly held or occupied in the order of his seniority if he shall elect to do so, and the urban county government shall advise said officer or

employee at his last known address and advertise pursuant to KRS Chapter 424, that the office or position has been recreated or reestablished.

Section 11. A new section of KRS Chapter 90 created to read as follows:

(1) No person shall be appointed to any position because of political, partisan service rendered by him or his family, or because of political sentiment or affiliation nor shall any person be dismissed or reduced in grade because of any political opinion.

(2) No employee shall coerce or persuade another or in any way to actively participate in any election, or cause others to do so.

Section 12. A new section of KRS Chapter 90 is created to read as follows:

(1) Any urban county government in which there existed a municipality which had in effect an employees' pension fund prior to its merger into the urban county form of government shall provide by Comprehensive Plan or ordinance for the maintenance of the said pension fund for those employees covered by the said pension fund by a levy of a tax of not exceeding five cents ($.05) on each One Hundred Dollars value of taxable property in the urban area of the urban county government, as established in the Comprehensive Plan or by ordinance, the proceeds of that tax to be paid to the pension fund in cash, and shall in each case provide, by such tax or otherwise, for the payment to the pension fund in each month of the sum necessary to maintain such fund in accordance with the actuarial principles established by the actuarial studies described hereafter, and may assess monthly such amount or percent of the salary of the employees as may be equitably determined on a fair actuarial basis, and in any case not in excess of 6% of the monthly salary of each employee unless a higher rate was charged prior to the merger of governments, in which case the higher rate may be charged, the assessment to be deducted from the employees' salaries and paid in cash into the pension fund. Within six months after the effective date of the urban county form of government, or within six months after the effective date of this statute, whichever shall be later, the trustees of the board shall, at the expense of the urban county government, provide for the performance of an actuarial study, which study shall be completed within six months thereafter, and which study shall describe the amounts necessary to be contributed by the urban county government or other sources to fund on an actuarially sound basis the benefits promised or described in the said fund, including any payments required to bring said fund to an actuarially sound position in the event that it was not so at the time of the performance of the study, in which latter event the legislative body shall also determine a reasonable period over which such additional funding shall be made, which period shall not exceed thirty years. A similar study shall be arranged by the Board at the cost of the urban county government at least once in every five year period thereafter. In the event that fund created by section 12 of this Act is extended to cover employees not described in the first sentence hereof, the actuarial study shall determine the required payments so as to keep the expanded fund on an actuarially sound basis, and the urban county government shall maintain such fund as set out herein, and shall assess against the additional covered employees the same monthly contribution as is required for other government employees.

(2) There is hereby created a Board for the existing employees pension fund and trustees of that Board. Trustees from the Pension Fund Board shall consist of the Mayor, four members of the legislative body of the urban county government selected by the legislative body, the Commissioner of the Department of Finance, the Director of the Division of Personnel, and three civil service employees to be elected to the Board by those employees covered by the Employees Pension Fund. In the event that there is no position in the urban county government denominated Commissioner of the Department of Finance and/or Director of the Division of Personnel, the appointed office of the urban county government exercising the functions most closely resembling such office shall serve as trustee.

(3) Temporary employees appointed without examination shall not be compelled to contribute to any pension fund and shall not be eligible to benefits.

(4) In no year shall the contribution by the urban county government to the pension fund, in the manner provided in this section, be less than the total amount assessed upon and deducted from the salary of the employees.

(5) The trustees of the pension fund shall, at least once every three months, report in writing to the mayor the receipts, expenditures and financial status of the pension fund, stating the places of deposit of funds, or the character of investments made, and the mayor shall cause copies of the report to be posted in at least three places where urban county employees frequent and report.

Section 13. A new section of KRS Chapter 90 is created to read as follows:

From and after the effective date of the urban county form of government there shall be, with respect to each employee, and inviolable contract between the urban county government as employer and such employee; and the urban county government and its employees shall continue to operate under sections 3 to 13 of this Act and all substantial matters contained in the ordinance first adopted hereunder. A repeal or modification of substantial provisions of that ordinance by the urban county government shall in no wise affect such contract, unless by the mutual consent of the urban county government and the affected employee. Such contract and right shall not be affected, either directly or indirectly, by an action of the urban county

government, its legislative body, executive officers, citizens or voters, whether under the guise of altering its form of government, adopting a new form of government or classification, abolishing any governmental or municipal entity, and substituting same with another governmental or municipal entity, or any other means whatsoever. The first ordinance referred to in this paragraph shall include, if applicable, any ordinance of a city, county or other municipality existing prior to the adoption of the urban county form of government which is adopted by the urban county government for any period of time by its Comprehensive Plan or ordinance. The said contract shall include, and such actions shall not affect any substantial matter, including procedures and structures, for both pension and merit systems.

Section 14. A new section of KRS Chapter 90 is created to read as follows:

The legislative body of the urban county government is hereby authorized and empowered to establish and provide such other pension funds, systems, Social Security programs or other retirement benefits allowable as may be deemed necessary or desirable for those employees not covered by the pension provisions of sections 12 and 13 of this Act, or for the benefit of the employees covered by the provisions of sections 12 and 13 of this Act.

Section 15. A new section of KRS Chapter 90 is created to read as follows:

All retirement allowances and other benefits accrued or accruing to any person under the provisions of sections 2 to 14 of this Act and accumulated contributions and cash securities in the fund created under sections 2 to 14 of this Act are hereby exempted from any state tax, and shall not be subject to execution, attachment, garnishment, or any other process whatsoever, nor shall any assignment thereof be enforceable in any court.

HB 699, AN ACT changing the classification of the city of Sandy Hook, in Elliott County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the city of Sandy Hook, in Elliott County, is such as to justify its being classified as a city of the fifth class,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The city of Sandy Hook, in Elliott County, is transferred from the sixth to the fifth class of cities.

HB 722, AN ACT relating to the creation and establishment of development authorities.

WHEREAS, the Commonwealth of Kentucky shares in common with all states problems affecting the development of central and suburban areas of its cities, the historically high interest rates, inflation in the cost of building materials, environmental deterioration resulting from suburban expansion, the high cost of commuting resulting from shortages of fuel, and the high cost of utilities and public services in areas newly subject to "urban sprawl", make necessary the wise use and reuse of urban land areas; and

WHEREAS, the Federal government presently does not have funds available for the continued assistance to local communities in financing community redevelopment projects, it is imperative to devise and establish an alternative local vehicle for financing a community's necessary revitalization projects; and

WHEREAS, there is a high degree of concern on the part of architects, planners and engineers to plan and design the restoration, redevelopment and development of viable neighborhoods in keeping with local esthetic standards and local historical and economic integrity; and

WHEREAS, cities of the first and second class and counties governed under Urban County Government statutes, as a result of rapidly expanding suburban growth, are finding areas of local economic or historical significance, including urban fringe open space as well as core areas, are being threatened by the demands of this growth; and

WHEREAS, the central or core areas of said cities and counties which are of local historical significance are becoming deteriorated and are not being restored and revitalized into viable and attractive neighborhoods because of the lack of authority for said cities and counties to act and because of the lack of federal funds for such purposes; and

WHEREAS, many open space areas of said cities and counties, in addition to their inherent agricultural productiveness, also possess an economic importance to the entire community and the Commonwealth as tourist attractions, thereby giving rise to an important business in such areas, that of feeding, housing and amusing such tourists; and

WHEREAS, preservation of such open spaces, revitalization of such central city areas and the promotion of desirable suburban and urban growth may be accomplished by the creation and operation of an appropriate Development Authority in each of said cities and counties;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 99 is created to read as follows:

It is hereby declared to be the policy of the Commonwealth to assist in the preservation and revitalization of historically or economically significant local areas, including open spaces, of cities of the first and second class and counties governed under Urban County Government statutes, for the purpose of planning and financing the preservation and revitalization of areas of said cities which are of economic or historical significance, while at the same time accommodating necessary and desirable central city and suburban growth, to the extent funds are available for the accomplishment of such purposes.

Section 2. A new section of KRS Chapter 99 is created to read as follows:

The following words or terms shall have the following meanings wherever used in this Act unless a different meaning is clearly indicated by the context:

(1) "Act" means this Act which may be called the "Local Development Authority Act";

(2) "Technical Advisory Council" means that committee appointed under the terms of Section 10 of this Act;

(3) "Price Advisory Council" means that committee appointed under the terms of Section 15 of this Act;

(4) "Agency" means the Development Authority established by this statute in and for cities of the first and second class and each county governed under the statutes permitting the establishment of Urban County Governments;

(5) "Bonds" means any bonds, notes, interim certificates, debentures or other obligations issued by an agency pursuant to the provisions and purposes of this Act;

(6) "Project area means any area actually acquired or formally proposed for acquisition by an agency for historical or open space preservation purposes or for the planned development permitted by this Act;

(7) "City" means any city of the first or second class or county governed under the Urban County Government statute, in which an agency has been established;

(8) "Development" means the acquisition, planning, designing, clearance, renovation or rehabilitation of existing improvements, development and disposal, or any combination thereof, of a project area, including the preparation of such project area for the development of residential, commercial, industrial, public, recreational, open space or other uses, including the preservation of existing residential, commercial, industrial, public, recreational, open spaces or other uses valued locally for their economic or historical importance as may be appropriate or necessary, in the opinion of the Board of Commissioners of an agency;

(9) "Subdevelopment" means the actual construction, renovation or rehabilitation of improvements to real property including the installation of or improvement to existing utilities, curbs, gutters, sidewalks, storm sewers and other necessary works and improvements, consistent with the established development plan for each specific project area in order to market, through private enterprise, said improvements to individuals, commercial business and industry;

(10) "Development plan" means the plan for the development as defined, of all or any part of a project area;

(11) "Mayor" means the may or a first or second class city or of an Urban County Government as established by law;

(12) "Governing board" means a Board of Aldermen or Commissioners or a Common or Urban County Council of a city as herein defined, as the case may be;

(13) "Project" means any undertaking within a project area included in, and financed by, a single or separate financing agreement or bond issue.

Section 3. A new section of KRS Chapter 99 is created to read as follows:

There is hereby authorized, created and established in cities of the first and second class and counties governed under the Urban County Government statutes, upon adoption of a resolution so declaring by a majority of the governing board of said cities or counties, an agency to be known by the name of the city, or in the case of an urban county government, the largest city in such county and the name of the county itself, separated by the word "and", and the words "Development Authority". Said agency shall exist for each such city or county with the powers, duties, and functions hereinafter provided.

Section 4. A new section of KRS Chapter 99 is created to read as follows:

Upon the date of the creation of the Development Authority, or within a reasonable time thereafter, the mayor shall appoint, with the approval of a majority of the governing board as aforesaid, seven citizens of the community as members of the agency, each of whom shall bear the title of Commissioner and shall constitute, with the other Commissioners, a Board of Commissioners of said agency. The Commissioners initially

designated shall serve one for a term of one year, two for a term of two years, two for a term of three years, and two for a term of four years, from the date of their appointment, the length of said terms to be noted by the mayor in the commission making each of said appointments. Thereafter members shall be appointed as aforesaid for a term of office of four years, except that all vacancies occurring during a term shall be filled for the unexpired term. A Commissioner shall hold office until his successor has been appointed and qualified. Commissioners shall serve without compensation but shall be reimbursed for any actual and necessary expenses incurred by them in the conduct of the affairs of the agency.

Section 5. A new section of KRS Chapter 99 is created to read as follows:

The agency shall elect a Chairman and a Vice Chairman from among the members of its Board of Commissioners. The term of office of each of said officers, unless otherwise prescribed by the agency, shall be for the calendar year or for that portion thereof remaining after each such officer is designated or elected. Other officers may be selected without regard to membership on the Board of Commissioners. The powers and duties of all officers shall be established by by-laws adopted by the Board of Commissioners.

Section 6. A new section of KRS Chapter 99 is created to read as follows:

The powers of the agency shall be vested in the Commissioners appointed as members of the Board of Commissioners. For inefficiency or neglect of duty or misconduct in office, a Commissioner may be removed by the governing board of the city, but only after he shall have been given a copy of the charges made against him at least ten days prior to a public hearing thereon, if such a public hearing is requested within two days after notice of charges.

Section 7. A new section of KRS Chapter 99 is created to read as follows:

No officer, employee or consultant of an agency, who in the course of his duties is required to participate in the formulation of plans or policies for the development of a project area, or in the implementation of such plans or policies, shall acquire any interest in any property to be included within a project area. If any such officer, employee or consultant owns or has or seeks to establish a financial interest, directly or indirectly, in any property to be included within such a project area, he shall immediately disclose, in writing, such interest to the Board of Commissioners of the agency, and such disclosure shall be entered in the minutes of the Board of Commissioners. Failure to so disclose such interest shall constitute misconduct in office. No payment shall be made to any Commissioner or officer of an agency for any property or interest therein acquired by the agency from such Commissioner of officer unless such payment is unanimously approved by the Price Advisory Board and Board of Commissioners at public meetings of said Boards subsequent to the meeting at which the interest in property has been disclosed in writing.

Section 8. A new section of KRS Chapter 99 is created to read as follows:

The Board of Commissioners of an agency is authorized to receive, and the governing board of and for which the agency is established, is authorized to appropriate, such amounts of money as may be necessary for the administrative purposes of the agency, which may include payments to staff and consultants for research, various studies and surveys, designation of project areas, preparation of development plans, estimates of the cost of acquisition, clearance, renovation, rehabilitation, improvement of project areas, and payments for architectural, engineering, legal and financial advisory services and other administrative expenses deemed necessary by the Board of Commissioners. The Board of Commissioners is also authorized to receive, and the governing board of the city to appropriate, moneys necessary to meet any contractual commitments made by the city to the agency for any project undertaken by agreement between the city and the agency.

Section 9. A new section of KRS Chapter 99 is created to read as follows:

(1) Each agency created under the terms of this Act shall constitute a public body corporate and politic, exercising public and essential governmental functions, and shall have the following powers in addition to the others granted:

(a) To sue and be sued; to have a seal; to make and execute contracts and other instruments necessary or convenient to the exercise of its powers;

(b) To make, and from time to time amend and repeal by-laws, rules and regulations not inconsistent with this Act, to carry into effect the powers and purposes thereof;

(c) To select and appoint such officers, agents, counsel and employees, permanent and temporary, as it may require, and determine their qualifications, duties and compensation, subject, however, to the provisions of its budget;

(d) Within the jurisdiction of the city in which it is established, and for the purpose of developing a project area or areas, to purchase, lease, obtain option upon, acquire by gift, grant, bequest, devise or otherwise, any real or personal property or any interest therein, together with any improvements thereon; to clear any and all buildings, structures or other improvements from any real property so acquired; to renovate or rehabilitate any improvements to such real property so acquired and to dispose of any personal property resulting therefrom; to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage, deed of trust or otherwise, or otherwise to dispose of any real or personal property or any interest therein at its fair value for uses in accordance with the development plan, irrespective of the cost of acquiring and preparing said property; to insure or provide for the insurance of any real or personal property or operation of the

agency against risks or hazards; and pursuant to the provisions of this Act; to rent, maintain, manage, operate, and repair such real property and any improvements thereto;

(e) To borrow from and to accept loans and grants from the federal, state, city or urban county governments or any agency thereof, or from any sources, public or private, for the purposes of this Act, and to pledge such security as may be required; an agency, notwithstanding the provisions of any other law, may include in any contract for financial assistance with the federal, state, city or urban county government any conditions which the federal, state, city or urban county government may attach to its financial aid not inconsistent with the purposes of this Act;

(f) Within a project area to develop as a building site or sites, any real property owned or acquired by it, and in this connection, to cause streets and highways to be laid out and graded, and pavements or other road surfacing, sidewalks and curbs, and public utilities of every kind to be constructed and installed, or to close any streets according to the development plan;

(g) To invest any funds held in reserves or sinking funds or any funds not required for immediate disbursement, in property or securities in which banks or insurance companies may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be cancelled;

(h) To obligate lessees or purchasers of land acquired in a project: (1) to use such land for the purpose designated in the development plan; (2) to begin the building of specified improvements or renovation of existing improvement within a period of time which the agency fixes as reasonable; and (3) to comply with such other conditions as in the opinion of the agency are necessary to carry out the purposes of this Act; the agency, by provision in the contract, deed or lease may make any of the purchaser's obligations, covenants or conditions running with the land, whose breach shall cause the fee to revert to the agency;

(i) To contract as, and to accept the obligations of, an owner of benefited property under the terms of KRS 107.010 to 107.220, inclusive;

(j) To exercise all powers granted to governmental agencies under proposed legislation which deals with the use of "tax increment" revenues and financing of public purpose projects through the use thereof; and

(k) To exercise all powers granted to governmental agencies by KRS 58.010 to 58.140, inclusive; and

(l) To exercise all or any part or combination of the powers herein granted.

(2) Nothing contained in this section shall authorize such agency to construct any of the buildings for residential, commercial, industrial or other use contemplated by the development plan, except insofar as any industrial building may be authorized to be constructed by a lessee, on behalf of the agency, under the provisions of KRS 103.200 to 103.285, inclusive.

Section 10. A new section of KRS Chapter 99 is created to read as follows:

No agency may acquire title to any land for the purpose of carrying out a development plan unless the following conditions have been met: A development plan clearly fixing the boundaries of the proposed project area has been approved by the Board of Commissioners and the plan has been made available for public inspection. The development plan shall designate, among other things, the proposed location, character and extent of the public and private land ownership and uses proposed within the area. The development plan may be amended from time to time including the extension of established project boundaries. All such amendments shall be made available for public inspection. There shall also be established a Technical Advisory Board appointed by the Mayor of the City or Urban County Government. There shall be eleven members and the chairman of the Board of Commissioners shall serve as the eleventh member and chairman of said board. The board shall be composed of professions in the various developmental disciplines and shall include, but not be limited to architects, land use planners, engineers, civic leaders in the area of historical preservation, related agency heads of city or urban county government, developers, builders and other members of the community whose knowledge and ability will contribute to the purposes established in this Act.

Section 11. A new section of KRS Chapter 99 is created to read as follows:

A City or Urban County shall have the power to aid an agency in any manner provided for aid by public bodies to urban renewal and community development agencies by KRS 99.410.

Section 12. A new section of KRS Chapter 99 is created to read as follows:

(1) An agency shall have power to issue bonds from time to time at its discretion for any of its corporate purposes under this Act. An agency shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. An agency may issue bonds on which the principal and interest are payable:

(a) Exclusively from the income and revenues, including the increment of tax revenues as allowed by law, of the project or projects financed from the proceeds of such bonds; or

(b) Exclusively from such income and revenues together with grants and contributions from the federal, state, city or urban county government, or other sources. Any such bonds may be additionally secured by a mortgage, deed of trust, or other lien or encumbrance on the property including pledges of tax increments as allowed by law in the project or projects financed from the proceeds of such bonds.

(2) Neither the members of the Board of Commissioners of an agency nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of an agency and such bonds and obligations shall so state on their face issued under this section shall not be a debt of the city, the county, the state or any political subdivision thereof within the meaning of any constitutional or statutory debt limitation or restriction and neither the city, the county, the state nor any political subdivision thereof shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said agency, except as provided by contract.

(3) Bonds of an agency shall be authorized by resolution of its Board of Commissioners. Such bonds may be issued in one or more series, each of which may be separately secured, and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, as such resolution, its trust indenture or mortgage may provide.

(4) The bonds may be sold at less than par, and shall be sold at public sale held after notice has been given by publication pursuant to KRS Chapter 424, except as follows:

(a) Bonds may be sold at private sale without advertisement to the federal, state or urban county governments, or to an agency of any such governments;

(b) Payment for any portion of a project area may be made in bonds, provided, however, that: (1) any such transaction shall be approved by the Price Advisory Council before its consummation; (2) such exchange is valid and legal pursuant to regulations of the Internal Revenue Service.

(5) The bonds may be sold with provision that they bear no interest, or only nominal interest, for a period of years, after which they may bear greater interest; and provision may be made for the capitalization of interest for periods not in excess of five years. More than one project may be established within the same project area, and each such project may be financed with a different issue or bonds with differing security. Each of said bond issues may be designed to meet standards required under federal statutes or regulations pertaining to the issuance of tax-exempt bonds; provided, however, that nothing herein shall be deemed to prohibit the issuance of any series of bonds, the interest on which may not be exempt from federal income tax.

(6) In case any of the members of officers of the agency whose signatures appear on any bonds, coupons, notes or other obligations shall cease to be such members or officers before the delivery of such bonds, coupons, notes or other obligations, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds, coupons, notes or other obligations issued pursuant to this Act shall be fully negotiable except as limited by their terms.

(7) In any suit, action or proceedings involving the validity or enforceability of any bonds of an agency or the security therefor, any such bonds reciting in substance that they have been issued by the agency to aid in financing a project shall be conclusively deemed to have been issued for a project and said project shall be conclusively deemed to have been planned, approved, located, and carried out in accordance with the purposes and provisions of this Act.

(8) In connection with the issuance of bonds, an agency, in addition to its other powers, shall have power:

(a) To pledge all or any part of its gross or net revenue to which its right then exists or may thereafter come into existence;

(b) To encumber, by mortgage, deed of trust, or otherwise, all or any part of its real or personal property in the project;

(c) To covenant against pledging all or any part of its revenues, or against encumbering all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to its sale, leasing, or other disposition of any project or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it;

(d) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds, to covenant against extending the time for the payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof;

(e) To covenant as to the amounts to be charged in the sale or lease of properties in a project or projects, the amount to be raised from revenue each year or other period of time and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for development or other costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the money held in such funds;

(f) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given;

(g) To covenant as to the use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys;

(h) To covenant as to the rights, liabilities, powers and duties arising upon the breach of any covenant, condition, or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived;

(i) To vest in a trustee or trustees or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or trustees the right, in the event of a default by said agency, to take possession of any project or part thereof, and to collect the rents and revenues arising thereform, or due the agency in connection therewith, and to dispose of such moneys in accordance with the agreement of the agency with said trustee; to provide for the powers and duties of a trustee or trustees and to limit the liabilities thereof; and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds;

(j) To exercise all or any part or combination of the powers herein granted; to make covenants other than and in addition to the covenants herein expressly authorized of like or different character; to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or, in the discretion of said agency, except as otherwise provided in this Act, as will tend to make the bonds more marketable notwithstanding that such covenants, act, or things may not be enumerated herein.

(9) The bonds, notes and other obligations of an agency are declared to be issued for an essential public and governmental purpose, and together with interest thereon and income therefrom shall be exempt from all taxes.

Section 13. A new section of KRS Chapter 99 is created to read as follows:

The agency may sell, exchange, lease, or otherwise transfer real property acquired under the provisions of this Act to one or more private individuals or to public bodies, and thereafter the real property shall be used only in accordance with the limitations and conditions set forth in the development plan. Maximum opportunity, consistent with the sound needs of the locality, shall be given private enterprise in the development and subdevelopment of project areas. The agency shall sell, lease, exchange, or withhold for public use by the state or any public body thereof, all of the property which it has acquired in such project area as soon as feasible and in the public interest. Prior to any such sale or exchange of real property, the agency shall obtain appraisals made by independent appraisers of the value of such real property proposed to be sold or exchanged, which appraisals shall be based upon the new uses established for such real property. These appraisals shall be used as a guide for the agency in disposing of its real property, but the agency shall not be bound thereby.

Section 14. A new section of KRS Chapter 99 is created to read as follows:

A Price Advisory Council is hereby established in each agency which shall be entirely separate from the Board of Commissioners. Said Price Advisory Council shall consist of seven persons who shall be appointed for terms of four years in the same manner provided herein for appointment of Commissioners. Said Price Advisory Council shall be required to pass upon the propriety of all proposed prices fixed for either purchase or sale of any real estate.

HB 723, AN ACT relating to the distribution of ad valorem tax revenues received by or on behalf of certain governmental agencies in development areas as defined in urban renewal and urban development statutes and in project areas as defined in the Local Development Authority Act; and pertaining to contracts which may be entered into relative to the aforesaid by cities, counties, taxing districts, and boards of education.

WHEREAS, it is apparent that all units of government imposing, or benefiting by the imposition of, ad valorem taxes on property in any given area are benefited by the increase in value of the property in the area, in that such increase of value automatically increases ad valorem tax income; and

WHEREAS, it is equally apparent that all such governmental units operating in an area may be beneficially affected by acts of any one unit which tend to increase the value of property in the area, and all governmental units are thereby necessarily inter-related, and should be encouraged to cooperate with each other in the adoption of policies which will have the effect of benefiting all of such units; and

WHEREAS, each such unit should be encouraged to assist in the promotion of projects which will have the result of benefiting all such units, and each such unit should be authorized to expend reasonable portions of its funds if, by such expenditure, it can benefit itself in a degree reasonably consonant with its contributions;

and

WHEREAS, urban renewal and redevelopment, and local development projects, if they can be financed, can and do result in great increases in revenues to all of the aforesaid units in the area, and said units should be permitted and authorized to release portions of such benefits for limited periods in reasonable payment for benefits derived; and

WHEREAS, the aforesaid benefits are peculiarly available in the more urbanized areas, principally in those areas in which there are located cities of the first and second classes and in areas governed by urban county governments;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 99 is created to read as follows:

The following words or terms shall have the following meanings wherever used in this Act unless a different meaning is clearly indicated by the context:

(1) "Act" means this act, which may be called the "Tax Increment Act";

(2) "Agency" means an Urban Renewal and Community Development Agency of a city of the first or second class, or urban county government, as established under the terms of Chapter 99 of the Kentucky Revised Statutes, or a Development Authority established under the terms of the Local Development Authority Act adopted concurrently with this Act by the 1974 session of the General Assembly of the Commonwealth;

(3) "Development area" means an area defined as such in Chapter 99 of the Kentucky Revised Statutes, or a Project Area as defined in the Local Development Authority Act aforesaid;

(4) "Increment" means that amount of money received by any taxing district which is determined by subtracting the amount of old revenues from the amount of new revenues in any year for which a taxing district and an agency have agreed upon a division under the terms of a contract of release;

(5) "New revenues" means the revenues received by any taxing district from a development area in any year after the establishment of the development area;

(6) "Old revenues" means the amount of revenues received by any taxing district from a development area in the last year prior to the establishment of the development area;

(7) "Project" means any urban renewal or redevelopment project undertaken in accordance with the provisions of Chapter 99 of the Kentucky Revised Statutes, or any project undertaken under the terms of the Local Development Authority Act aforesaid, in a development area;

(8) "Release" or "contract of release" means that agreement by which a taxing district permits the payment to an agency of a portion of increments received by it for a period of years in return for the benefits accrued to the taxing district by reason of a project undertaken by an agency in a development area;

(9) "Taxing district" means a city of the first or second class or urban county government which encompasses all or a part of a development area, a special district having the power to levy ad valorem taxes in all or any part of a development area, and any board of education having authority to require a city or county to levy school taxes in all or any part of a development area.

Section 2. A new section of KRS Chapter 99 is created to read as follows:

It is hereby found and declared that public improvements, and publicly promoted private improvements, in any development area which result in the increase in the value of property located in the development area, serve a public purpose for each taxing district possessing the authority, directly or indirectly, to impose ad valorem taxes in said development area. The increment in revenues derived by each taxing district from the development area is found and declared to be one of the benefits derived by each taxing district from any urban renewal or redevelopment project, or Local Development Authority Act Project, undertaken in the development area.

Section 3. A new section of KRS Chapter 99 is created to read as follows:

In connection with the establishment of any development area, an agency may enter into contracts with one or more taxing districts for the release to the agency of increments expected to be derived by such taxing district as a result of the undertaking of a project, provided, however, that no such contract shall require the release of less than 50 percent of such increments, or more than 95 percent of such increments, for a period of more than 25 years beginning with the first day of the calendar year after the execution of any such release or contract of release by a taxing district. Any amount derived by the agency under the terms of such release shall be used solely and only for the purposes of the project and in the development area.

Section 4. A new section of KRS Chapter 99 is created to read as follows:

Each taxing district is specifically hereby authorized to execute a contract of release with any such agency in acknowledgment of benefits to be derived by it from the project, and in order to promote the public

purposes of said taxing district.

Section 5. A new section of KRS Chapter 99 is created to read as follows:

Any agency which enters into a contract with any taxing district for the release of any increments which may arise during the period of a contract of release shall forthwith notify the official charged with the collecting of taxes for the property in the development area of the execution of such contract of release, the official charged with the collection of taxes shall in each year during the life of said contract of release, determine the amount of the increment which is the subject of the contract of release for division between the taxing district and the agency; and, upon the basis of the agreement made between the taxing district and the agency, he shall divide and distribute the funds derived from the area between the taxing district and the agency.

The Committee on Health and Welfare reported **HB 539, HB 400** with Committee Amendment attached thereto, **HB 492,** and **HB 652** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 539, AN ACT relating to the licensing of health personnel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 313.290 is amended to read as follows:

(1) Any person of good moral character over eighteen (18) years of age who is a citizen of the United States of America, a graduate of an accredited high school, and has successfully completed two (2) years of training in a school of dental hygiene that is approved by the board, shall be eligible to take the examination for the practice of dental hygiene.

(2) The requirement that applicants complete two years of training in a school of dental hygiene as specified in subsection (1), shall be waived when persons have received training and experience through military service in the field of dental hygiene. Any person who has served on active duty in the medical corps of any of the armed forces of the United States and who has successfully completed the course of instruction required to qualify him for rating as a dental specialist, preventive dentistry technician or dental technician class A dental technician school, or other equivalent rating in his particular branch of the armed forces, and whose service in the armed forces was under honorable conditions, may submit to the Kentucky board of dentistry, a photostatic copy of the certificate issued to him certifying successful completion of such course of instruction, a photostatic copy of his discharge from the armed forces or, in those cases where application is made prior to discharge, some evidence indicating that performance has been satisfactory at the time of application.

Section 2. KRS 314.041 is amended to read as follows:

(1) An applicant for a license to practice as a registered nurse shall file with the board a written application for a license and submit evidence, verified by oath, that the applicant is of good moral character; is in good physical and mental health; has completed at least an approved four-year high school course of study or the equivalent thereof as determined by an appropriate educational agency; and *either:* [completed the basic professional curriculum in an approved school of professional nursing and holds a diploma therefrom.]

(a) Completed the basic professional curriculum in an approved school of professional nursing and holds a diploma therefrom; or,

(b) Any person who has served on active duty in the medical corps of any of the armed forces of the United States and who has successfully completed the course of instruction required to qualify him for rating as a medical specialist advanced, medical service technician or advanced hospital corpsman technician, or other equivalent rating in his particular branch of the armed forces, and whose service in the armed forces was under honorable conditions, may submit to the Kentucky Board of Nursing Education and Nurse Registration, a photostatice copy of the certificate issued to him certifying successful completion of such course of instruction, a photostatic copy of his discharge from the armed forces, or, in those cases where application has been made prior to discharge, some evidence indicating that performance has been satisfactory at the time of application.

(2) An applicant shall be required to pass a written examination in such subjects as the board may prescribe. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination, the board shall issue to the applicant a license to practice nursing as a registered nurse.

(3) The board may issue a license to practice nursing as a registered nurse without examination, to an applicant who has been duly licensed as a registered nurse under the laws of another state, territory or foreign

country, if in the opinion of the board the applicant is qualified to practice professional nursing in this state.

(4) The board, at its discretion, may issue a temporary license to nurses who are licensed in and citizens of other countries, provided such license shall be issued for a period not to exceed one (1) year.

(5) The applicant for licensure to practice as a registered nurse shall pay a fee of not more than $25.00.

(6) Any person who holds a license to practice as a registered nurse in this state shall have the right to use the title "registered nurse" and the abbreviation "R.N." No other person shall assume such title or use such abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is a registered nurse. No person shall practice as a registered nurse unless licensed under this section or excepted under the provisions of KRS 314.011 to 314.161 and 314.991.

(7) Any person holding, on July 1, 1966, a valid license or certificate of registration to practice nursing as a registered nurse under the prior law shall thereafter be deemed to be licensed as a registered nurse under the provisions of KRS 314.011 to 314.161 and 314.991, subject to the renewal requirements of KRS 314.011 to 314.161 and 314.991.

Section 3. KRS314.051 is amended to read as follows:

(1) An applicant for a license to practice as a licensed practical nurse shall submit to the board written evidence that the applicant is at least eighteen (18) years of age, is of good moral character, has completed at least three (3) years, if twenty-five (25) years of age or less, or at least two (2) years, if more than twenty-five (25) years of age, of high school or its equivalent as determined by an appropriate educational agency, and has *either:* [completed the required educational program in practical nursing at an accredited school of nursing and holds a diploma or certificate therefrom.]

(a) Completed the required educational program in practical nursing at an accredited school of nursing and holds a diploma or certificate therefrom; or,

(b) Any person who has served on active duty in the medical corps of any of the armed forces of the United States and who has successfully completed the course of instruction required to qualify him for rating as a medical specialist advanced, medical service technician, advanced hospital corpsman technician, medical corpsman, medical service specialist or class A hospital corpsman, or other equivalent rating in his particular branch of the armed forces, and whose service in the armed forces was under honorable conditions, may submit to the Kentucky Board of Nursing Education and Nursing Registration, a photostatic copy of the certificate issued to him certifying successful completion of such course of instruction, a photostatic copy of his discharge from the armed forces, or, in those cases where application is made prior to discharge, some evidence indicating that performance has been satisfactory at the time of application.

(2) The board shall meet for the purpose of conducting examinations of applicants for licensure as licensed practical nurses at least once a year, at a time and place determined by the board. Notices of such examinations shall be published in two (2) newspapers in general circulation. Notices shall be sent by mail to every applicant after applications are received, and to every approved school of practical nursing in this state at least thirty (30) days before the meeting.

(3) The applicant applying for a license to practice as a licensed practical nurse shall pay a fee of not more than $25.00 to the board.

(4) The applicant shall be required to pass a written examination in such subjects as the board may determine. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination the board shall issue to the applicant a license to practice as a licensed practical nurse.

(5) The board may issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly licensed or registered as a licensed practical nurse or a person entitled to perform similar services under a different title, under the laws of another state, territory or foreign country if, in the opinion of the board, the applicant meets the requirements for a licensed practical nurse in this state.

(6) Any person who holds a license to practice as a licensed practical nurse in this state shall have the right to use the title "licensed practical nurse" and the abbreviation "L.P.N.". No other person shall assume such title or use such abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is a licensed practical nurse.

(7) Any person heretofore licensed as a practical nurse under the licensing laws of this state who has allowed such license to lapse by failure to renew may apply for reinstatement of such license under the provisions of KRS 314.011 to 314.161 and 314.991.

Section 4. KRS 327.050 is amended to read as follows:

(1) To be eligible for licensure by the board as a physical therapist, an applicant must have a high school education or its equivalent as determined by the board, be of good moral character and *either:* [a graduate of an accredited school of physical therapy approved by the board. No school shall be approved unless it has been accredited or approved by the Council on Medical Education of the American Medical Association, or the American Physical Therapy Association.]

(a) A graduate of an accredited school of physical therapy approved by the board. No school shall be

approved unless it has been accredited or approved by the Council on Medical Education of the American Medical Association, or the American Physical Therapy Association; or,

(b) Any person who has served on active duty in the medical corps of any of the armed forces of the United States and who has successfully completed the course of instruction required to qualify him for rating as a physical therapy specialist, physical and occupational therapy technician, physical therapy technician, or physical therapy specialist (semi-skilled), or other equivalent rating in his particular branch of the armed forces, and whose service in the armed forces was under honorable conditions, may submit to the State Board of Physical Therapy, a photostatic copy of the certificate issued to him certifying successful completion of such course of instruction, a photostatic copy of his discharge from the armed forces, or, in those cases where application is made prior to discharge, some evidence indicating that performance has been satisfactory at the time of application.

(2) Any person who possesses the aforementioned qualifications and who desires to be examined for licensure as a physical therapist in Kentucky shall make written application therefor to the board, on forms to be provided by the board, which shall be accompanied by an application fee determined by the board but not to exceed $75.00, no part of which shall be returned. If it appears from said application that the applicant possesses the qualifications required by this chapter, such applicant shall be admitted to the next scheduled examination in which his knowledge of anatomy, neuro-anatomy, kinesiology, physiology, pathology, psychology, neurology, medical ethics, technical procedures in the practice of physical therapy and such other subjects as the board may determine to be necessary, shall be tested.

(3) Examinations shall be held within the state at least once a year at such time and place as the board shall determine. Applicants who are admitted to the examination, may be granted temporary licenses which shall be valid until said applicants' examinations are graded and they are notified by the board of their score thereon. All applicants who receive a passing score as determined by the board shall be licensed as physical therapists and furnished with a certificate attesting thereto. This license shall be automatically renewed annually, without further examination, upon payment on or before January 31 of each year, of a renewal fee to be fixed by the board in an amount not to exceed $10.00. Licenses which are not renewed by that date shall lapse, except that the board may reinstate a lapsed license upon payment of the renewal fee. Applicants who fail to receive a passing score on their examination shall not be licensed; but the board may, by regulation, permit applicants to take the examination more than once.

HB 400, AN ACT relating to mobile home parks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 219 is created to read as follows:

The board shall adopt regulations to require mobile home park owners to provide, for each mobile home site within the park, a mechanism for securing a mobile home located, or to be located, on the site, so as to enable it to withstand winds of the velocity of not less than 70 miles per hour without overturning.

The Committee Amendment to **HB 400** is as follows:

Amend printed copy of House Bill 400 on page 1, line 5 by deleting the words "a mechanism" and adding in lieu thereof the words "fixed anchors".

HB 492, AN ACT relating to the inclusion of chiropractic services in medical treatment services paid by employers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 342.020 is amended to read as follows:

(1) In addition to all other compensation provided in this chapter, the employer shall pay for the cure and relief from the effects of an injury or occupational disease such medical, *chiropractic fees and services,* surgical and hospital treatment, including nursing, medical and surgical supplies and appliances, as may reasonably be required at the time of the injury and thereafter during disability, or as may be required for the cure and treatment of an occupational disease. The employe may select the physician to treat his injury, and

the hospital in which he shall be treated.

(2) When a compensable injury or occupational disease results in the amputation of an arm, leg or foot, or the loss of hearing, or the enucleation of an eye or loss of teeth, the employer shall initially pay for in addition to the other medical, surgical and hospital treatment enumerated in subsections (1) and (2) of this section, a modern artificial member and where required, proper braces.

(3) Upon motion of the employer, with sufficient notice to the employe for a response to be filed, if it is shown to the satisfaction of the board by affidavits or testimony that because of the physician selected by the employe to treat his injury or disease, or because of the hospital selected by the employe in which he is being treated, that the employe is not receiving proper medical treatment and his recovery is being substantially affected or delayed; or that the funds for his medical expenses are being spent without reasonable benefit to the employes; or that because of the physician selected by the employe or because of the type of medical treatment being received by the employe that the employer will substantially be prejudiced in any compensation proceedings resulting from the employe's injury or disease; then the board may allow the employer to select a physician to treat the employe and the hospital or hospitals in which the employe is treated for his injury or disease. No action shall be brought against any employer subject to this chapter by any person to recover damages for malpractice or improper treatment received by any employe from any physician, hospital or attendant thereof.

HB 652, AN ACT relating to podiatry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 205.510 is amended to read as follows:

As used in this chapter as it pertains to medical assistance unless the context clearly requires a different meaning:

(1) "Council" means the Advisory Council for Medical Assistance;

(2) "Dentist" means a person authorized to practice dentistry under laws of the Commonwealth;

(3) "Medical care" as used in this chapter means essential medical, surgical, dental, optometric, *podiatric,* and nursing services, in the home, office, clinic, or other suitable places, which are provided or prescribed by physicians, optometrists, *podiatrists* or dentists licensed to render such service, including drugs and medical supplies, appliances, laboratory, diagnostic and therapeutic services, nursing home and convalescent care, hospital care as defined in KRS 205.560 (1) (a), and such other essential medical services and supplies as may be prescribed by such persons. However, this section does not authorize optometrists to perform any services other than those authorized by KRS chapter 320;

(4) "Nurses" means persons authorized to practice professional nursing under the laws of the Commonwealth;

(5) "Nursing Home" means a facility which provides routine medical care in which physicians regularly visit patients, which provide nursing services and procedures employed in caring for the sick which require training, judgment, technical knowledge, and skills beyond that which the untrained person possesses, and which maintains complete records on patient care, and which is licensed pursuant to the provisions of KRS 216.400;

(6) "Optometrist" means a person authorized to practice optometry under the laws of the Commonwealth;

(7) "Pharmacist" means a person authorized to practice pharmacy under the laws of the Commonwealth;

(8) "Physician" means a person authorized to practice medicine or osteopathy under the laws of the Commonwealth;

(9) "Podiatrist" means a person authorized to practice podiatry under the laws of the Commonwealth;

(10)[(9)] "Public assistance recipient" means a person who has been certified by the Bureau of Public Assistance of the Department of Economic Security as being eligible for, and a recipient of, public assistance under the provisions of this chapter;

(11)[(10)] "Other persons eligible for medical assistance" may include the categorically needy excluded from money payment status by state requirements and classifications of medically needy individuals as permitted by federal laws and regulations and as prescribed by regulation of the commissioner of the Department of Economic Security;

(12)[(11)] "Vendor payment" means a payment for medical care which is paid by the Department of Economic Security directly to the authorized person or institution which rendered medical care to an eligible recipient.

Section 2. KRS 205.540 is amended to read as follows:

(1) An Advisory Council for Medical Assistance shall be established in the state government. The council shall consist of *fifteen* [fourteen] members. The Commissioner of Health and the Commissioner of the Department of Economic Security shall be ex officio members. The other twelve members of the council shall be appointed by the Governor and shall hold office for a term of four years and until their successors are appointed and qualify, except that the members appointed to fill the first vacancy occurring for a term beginning on July 1, 1960, shall be as follows: Two members shall be appointed for one year, two for two years, two for three years, and three for four years, and the respective terms of the first members shall be designated by the Governor at the time of their appointments. The term of the first optometrist member shall begin July 1, 1970. *The term of the first podiatrist member shall begin July 1, 1974.* Upon the expiration of the respective terms of the members first appointed, the term of each successor shall be for four years or until his successor is appointed and qualified. Appointments shall be made one from each list of three nominees submitted by the following organizations: the Kentucky State Medical Association; the Kentucky Dental Association; the Kentucky Hospital Association; the Kentucky Pharmaceutical Association; the Kentucky Association of Nursing Homes and Personal Care Homes; the Kentucky State Association of Registered Nurses; and the Kentucky Optometric Association. The other five appointive members shall be intelligent and discreet citizens residing within the Commonwealth, who are not members of professional groups which are recipients of vendor payments. No nominee or member of the council shall be a stockholder or have any financial interest in any hospital, nursing home, or related institution.

(2) Each appointive member of the council shall serve without compensation but shall be entitled to reimbursement for his actual and necessary expenses in carrying out his duties.

(3) Vacancies shall be filled for the unexpired term in the same manner as original appointments, maintaining representations as set out in subsection (1) of this section.

(4) The council shall elect a chairman, vice-chairman, and secretary from among its members at its first regular meeting in each fiscal year, and shall adopt rules governing its proceedings. The council shall hold a meeting at least once every three months and such other special or regular meetings as may be desired.

Section 3. KRS 205.560 is amended to read as follows:

(1) The scope of medical care for which the Department of Economic Security undertakes to pay shall be designated and limited by regulations promulgated by said department, pursuant to the provisions hereof. The selection of the class or classes of medical care shall be recommended by the council to the Commissioner of the Department of Economic Security and the Commissioner of the Department of Health after taking into consideration, among other things, the amount of federal and state funds available, the most essential needs of recipients, and the meeting of such need on a basis insuring the greatest amount of medical care as defined in KRS 205.510 consonant with the funds available including but not limited to the following categories:

(a) Hospital care, including drugs, and medical supplies and services during any period of actual hospitalization;

(b) Nursing home care, including medical supplies and services, and drugs during confinement therein on prescription of a physician, [or] dentist, *or podiatrist*;

(c) Drugs, nursing care, medical supplies and services during the time when a recipient is not in a hospital but is under treatment and on the prescription of a physician, [or] dentist, *or podiatrist*;

(d) Physician, *podiatric*, dental and optometric services.

(2) Payments for hospital care, nursing home care, and drugs or other medical, ophthalmic, *podiatric* and dental supplies shall be on bases which relate the amount of the payment to the cost of providing such services or supplies. It shall be one of the functions of the council to make recommendations to the Department of Health with respect to such bases for payment.

(3) No vendor payment shall be made unless the class and type of medical care rendered and the cost basis therefor has first been designated by regulation.

(4) The range of medical care benefit standards provided and the quality and quantity standards and the methods for determining cost formulae for vendor payments within each category of public assistance and other recipients shall be uniform for the entire state, and shall be designated by regulation promulgated within the limitations established by the Social Security Act and federal regulations. The amount of payments for units of services need not be uniform for the entire state but may vary from county to county and from city to city, as well as among hospitals, based on the prevailing cost of medical care in such locale and other local economic and geographic conditions.

(5) Nothing in this section shall require that any payment be made for optometric services or ophthalmic supplies.

Section 4. KRS 205.590 is amended to read as follows:

(1) The following technical advisory committees shall be established for the purpose of acting in an advisory capacity to the council with respect to the administration of the medical assistance program and in performing the function of peer review:

(a) A Technical Advisory Committee on Physician Services consisting of five physicians appointed by the Council of the Kentucky State Medical Association;

(b) A Technical Advisory Committee on Hospital Care consisting of five hospital administrators appointed by the Board of Trustees of the Kentucky Hospital Association;

(c) A Technical Advisory Committee on Dental Care consisting of five dentists appointed by the Kentucky Dental Association;

(d) A Technical Advisory Committee on Nursing Service consisting of five nurses appointed by the Board of Directors of the Kentucky State Association of Registered Nurses;

(e) A Technical Advisory Committee on Drugs consisting of five pharmacists appointed by the Kentucky Pharmaceutical Association;

(f) A Technical Advisory Committee on Nursing Home Care consisting of five members appointed by the Kentucky Association of Nursing Homes;

(g) A Technical Advisory Committee on Optometric Care consisting of five members appointed by the Kentucky Optometric Association.

(h) A technical advisory committee on podiatric care consisting of five podiatrists appointed by the Kentucky Podiatry Association.

(2) The members of the technical advisory committees shall serve until their successors are appointed and qualified.

(3) Each appointive member of a committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses in carrying out his duties.

Section 5. KRS 218A.010 is amended to read as follows:

As used in this chapter:

(1) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(a) A practitioner or by his authorized agent under his immediate supervision and pursuant to his order, or

(b) The patient or research subject at the direction and in the presence of the practitioner.

(2) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V.

(3) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(4) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(5) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(6) "Drug" means (a) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (b) substances intended for use in the diagnosis, care, mitigation, treatment or prevention of disease in man or animals; (c) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (d) substances intended for use as a component of any article specified in this subsection. It does not include devices or their components, parts, or accessories.

(7) "Immediate precursor" means a substance which is the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

(8) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container except that this term does not include activities:

(a) By a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice, or

(b) By a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale, or

(c) By a pharmacist as an incident to his dispensing of a controlled substance in the course of his professional practice.

(9) "Marijuana" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber

produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(10) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(a) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;

(b) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subsection (10) (a) of this section, but not including the isoquinoline alkaloids of opium;

(c) Opium poppy and poppy straw;

(d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(11) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under KRS 218A.030, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(12) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

(13) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(14) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(15) "Pharmacist" means a natural person licensed by this state to engage in the practice of the profession of pharmacy.

(16) "Practitioner" means a physician, dentist, *podiatrist,* veterinarian, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(17) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(18) "Sell" means to dispose of a controlled substance to another person for consideration or in furtherance of commercial distribution.

(19) "Traffic" means to manufacture, sell, transfer or possess with intent to sell a controlled substance.

(20) "Transfer" means to dispose of a controlled substance to another person without consideration and not in furtherance of commercial distribution.

(21) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to animal owned by him or by a member of his household.

Section 6. KRS 304.32-157 is amended to read as follows:

Whenever any contract, plan or policy issued in this state by any corporation subject to the provisions of this subtitle provides for reimbursement for any service which is within the lawful scope of practice of an optometrist duly licensed as provided in KRS Chapter 320, the insured or other person entitled to benefits under such contract, plan or policy shall be entitled to reimbursement for such services, whether such services are performed by a duly licensed physician, osteopath, *podiatrist,* or optometrist, notwithstanding any provision contained in such policy, or if the policy so provides, payment may be made directly to the provider of the services.

Section 7. KRS 311.377 is amended to read as follows:

Any physician, *podiatrist* or dentist who serves on any committee, board, commission or other entity which is duly constituted by any licensed hospital, medical society or association affiliated with the American Medical Association, *American Podiatry Association,* or the American Dental Association, medical care foundation affiliated with such a medical society or association, or governmental or quasi-governmental agency for the purpose of reviewing and evaluating the medical acts of other physicians, or any appointed member of the State Health Planning Council or any member of a recognized Regional Health Planning Council shall not be required to respond in damages for any action taken by him in good faith as a member of such committee, board, commission or other entity.

Section 8. KRS 311.380 is amended to read as follows:

As used in KRS 311.390 to 311.510, unless the context otherwise requires:

(1) "Board" means the state board of podiatry;

(2) "Podiatry" means the diagnosis, and the medical *and the surgical and the mechanical* [mechanical and the surgical] treatment, [of ailments] of the human foot *with exception of amputation of the human foot* [, and massage and the use of drugs in connection therewith, except amputation of the foot or toes, or the use of anesthetics other than local, or the use of narcotic drugs other than those which are designated by regulation of the state board of health for use by podiatrists in their practice];

(3) "Podiatrist" means one who practices podiatry.

Section 9. KRS 311.400 is amended to read as follows:

No person shall profess to be a podiatrist, or practice or assume the duties incident to podiatry in this state, or use the title "podiatrist" or any words or letters which designate or tend to designate to the public that the person is a podiatrist, unless he holds a valid, current license from the board, registered in the county in which the holder is engaged in such practice. [Any person who violates this section shall forfeit any right to compensation for services rendered.]

Section 10. KRS 311.410 is amended to read as follows:

(1) There is hereby *created* [established] in the *government of the Commonwealth* [department of health] a state board of podiatry which shall consist of five (5) practicing podiatrists, each appointed by the governor. All appointments, including appointments to fill vacancies, shall be made from lists of three (3) names for each position submitted by the Kentucky Podiatry Association. Any vacancy shall be filled for the unexpired term by the governor, as provided in the original appointment.

(2) A person to be eligible for appointment as a member of the board shall be at least twenty-one (21) years of age, of good moral character, a resident of this state, and a licensed practicing podiatrist in this state for at least five (5) consecutive years next preceding the date of his appointment. No member of the board shall be a stockholder, officer or member of the faculty or board of trustees of any school, college or institution of podiatry or chiropody.

(3) The terms of office of the five (5) members first appointed shall be one (1), two (2), three (3), four (4) and five (5) years, respectively, and the respective terms of the first members shall be designated by the governor at the time of their appointment. Upon the expiration of the respective terms of the members first appointed, the term of each successor shall be five (5) years, or until his successor shall be appointed and qualified.

(4) The board shall elect one (1) of its members as president. [The commissioner of health shall be secretary of the board. He may appoint an assistant secretary and delegate to him any or all of his powers and duties under KRS 311.390 to 311.510.] The secretary may, subject to approval by the board, [fix the compensation of the assistant secretary, and] employ and fix the compensation of all personnel required for the administration of KRS 311.390 to 311.510. The board may make all rules and regulations, not inconsistent with KRS 311.390 to KRS 311.510, as may be necessary to implement and carry out the provisions and purposes of KRS 311.390 to 311.510.

(5) The board shall hold meetings at least twice a year and as frequently as it deems necessary at such times and places as the board may designate. A majority of the members shall constitute a quorum.

(6) The board may sue and be sued in its own name.

(7) Members of the board shall be immune from suit in any civil or criminal action which is based upon any official act or acts performed by them in good faith as members of the board.

Section 11. KRS 311.420 is amended to read as follows:

(1) The board shall conduct examinations at least twice a year at such times and places as the board deems convenient for applicants for licenses to practice podiatry in this state, and shall admit to examination any applicant who:

(a) Is at least eighteen (18) years of age;

(b) Is a citizen of the United States and a resident of the state of Kentucky;

(c) Is of good moral character and temperate habits; and

(d) Has completed a course in and graduated from a school or college of podiatry [or chiropody] approved by the board.

(2) The board shall prescribe the time, place, method, manner, scope and content of examinations as relates to KRS 311.380 (2); and the board may accept certified, successful National Board of Podiatry examinations in lieu of its written examination.

[(2) The examination shall embrace the subjects of anatomy, physiology, chemistry, bacteriology, histology, pathology, dermatology, pedic-surgery, physiotherapy, diagnosis and treatment, materia medica and therapeutics, and other subjects as these subjects relate to antiseptics and anaesthetics and clinical podiatry or chiropody, but the examination shall be so limited in its scope as to cover only the minimum requirements for podiatry or chiropody educations.]

(3) Applicants for examination shall present their credentials to the board by mail upon forms furnished by the board, and shall receive due notice of the place and date of the examination. Each application shall contain proof of the qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by an examination fee *set by the board* [of $50.00].

(4) The board shall issue a license to any person who complies with the provisions of KRS 311.380 to 311.520 and who satisfactorily passes the examination.

(5) The members of the board shall receive no compensation for their services, but shall be paid their traveling and other necessary expenses while employed upon the business of the board.

(6) The board may, in good faith, adopt rules and regulations to license and control those persons who may become formally educated, or by years of employment by a licensed podiatrist, as a podiatric assistant.

(7) The board may utilize such materials, services or facilities as may be made available to it by other state agencies or may contract therefor, to such extent as the board in its discretion, may determine.

Section 12. KRS 311.440 is amended to read as follows:

Every person licensed to practice podiatry shall, within thirty (30) days after issuance, file his license with the county clerk of each county in which he desires to engage in the practice of podiatry[, and shall pay the county clerk a recording fee of fifty cents (50). The clerk shall keep a record of podiatrists' licenses in a book in his office].

Section 13. KRS 311.450 is amended to read as follows:

(1) Every license issued for the practice of podiatry shall expire on June 30 following the date of issuance unless sooner revoked and cancelled.

(2) On or before June 1 of each year, the board shall send notices to all licensed podiatrists in this state, at their last known addresses, advising them that the annual license renewal fee is due on July 1 of each year. Every registered podiatrist shall renew his license on or before July 1 of each year by the payment to the board of an annual license renewal fee which shall be a reasonable fee set by regulation of the board and upon submission of a statement of compliance with the continuing education regulations of the board. If such renewal fee is not paid or such statement of compliance is not submitted on or before July 1, the board shall notify the delinquent licensee by mail at his last known address that such fee and statement are past due and that a delinquent penalty *fee* [of twenty-five dollars] is assessed, in addition to the renewal fee and that the renewal fee and penalty must be paid and the statement of compliance submitted on or before January 1. If such fees, penalties and statement are not submitted by January 1, it shall be the duty of the board to suspend or revoke the license for nonpayment of the annual renewal and delinquent fees or for failure to submit the statement of compliance for the current year.

(3) All fees collected under the provisions of KRS 311.380 to 311.510, or the rules and regulations adopted pursuant thereto, shall be paid into the State Treasury, and credited to a trust and agency fund to be used in defraying the costs and expenses in the administration of KRS 311.380 to 311.510 including, but not limited to, salaries and necessary travel expenses. No part of this fund shall revert to the general funds of this Commonwealth.

Section 14. KRS 311.460 is amended to read as follows:

(1) [No person shall offer to practice podiatry under the name of any company.] Any person practicing or offering to practice podiatry shall practice under his own name only, as his name appears in his license.

(2) No person practicing or offering to practice podiatry shall use any title or abbreviation thereof except the designation "podiatrist." The term "foot doctor" and "chiropodist," or either of them, may be used in conjunction with the title "podiatrist," but not as a substitute therefor and not alone.

Section 15. KRS 311.480 is amended to read as follows:

The board may refuse to license or renew, or may suspend or revoke the license of any podiatrist, upon proof that he:

(1) Has been convicted of a felony;

(2) Has been convicted of a misdemeanor involving moral turpitude or conduct likely to deceive or defraud the public;

(3) Has employed, hired, procured or induced a person not licensed to practice podiatry in this state so to practice;

(4) Has aided or abetted in the practice of podiatry a person not licensed to practice podiatry in this state;

(5) Has been granted a license upon a mistake of a material fact; or

(6) Has violated any provision of KRS 311.380 to 311.510.

(7) Has become drug addicted; or

(8) Has become a chronic or persistent alcoholic; or

(9) Has developed such physical or mental disability, or other condition whereby continued practice is dangerous to patients or to the public; or

(10)Has violated any order of suspension, or the terms or the conditions of any order of probation, issued by the board; or

(11) Has engaged in, or attempted to engage in the practice of podiatry under a false or assumed name; or

(12) Has willfully violated a confidential communication.

Section 16. KRS 311.495 is amended to read as follows:

(1) County and commonwealth's attorneys and the attorney general, within their respective jurisdictions, shall prosecute all violations of the penal provisions of KRS 311.380 to 311.510 and shall, when requested by the board, represent the board in matters relating to the enforcement of KRS 311.380 to 311.510.

(2) For the purpose of enforcing the provisions of KRS 311.380 to 311.510, the investigators, inspectors, representatives and agents of the board [and the department of health] shall have the full power and authority of peace officers in this state, and shall have the power and authority to administer oaths, to enter upon premises at all times for the purpose of making inspections, to seize evidence, to interrogate all persons, and to require the production of books, papers, documents or other evidence.

Section 17. KRS 333.150 is amended to read as follows:

A medical laboratory shall examine human specimens only at the request of a licensed physician, *podiatrist,* dentist, or other person authorized by law to use the findings of medical laboratory examinations. The results of a test shall be reported directly to the licensed physician, dentist, or other authorized person who requested it. Such report shall include the name of the director and the name and address of the medical laboratory in which the test was actually performed. All specimens accepted by a medical laboratory shall be tested on the premises except that specimens for infrequently performed tests may be forwarded for examination to another medical laboratory licensed under this chapter or to a medical laboratory located outside this state if licensed or approved by the appropriate agency of the state concerned.

The Committee on Highways and Traffic Safety reported **SB 37,** with Committee Amendment attached thereto, and **HB 557** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 37, AN ACT relating to traffic control.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS 189 is created to read as follows:

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication.

(a) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent cross walk at the time such signal is exhibited.

(b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent cross walk and to other traffic lawfully using the intersection.

(c) Unless otherwise directed by a pedestrian-control signal, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked cross walk.

(2) Steady yellow indication.

(a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Steady red indication.

(a) Vehicular traffic facing a circular red signal alone shall stop at a clearly marked stop line, but if none, then before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until a green indication is shown, except as follows: the driver of a

vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red or stop signal, and with the intention of making a right turn, may make such right turn, after stopping, unless an official sign has been erected prohibiting such movement, but shall yield the right of way to pedestrians and other traffic lawfully proceeding through the intersection. Cities and counties may, by ordinance, and the Department of Highways may, by regulation, prohibit any such right turn against a steady red signal at any intersection, which prohibition shall be effective when an official sign prohibiting such movement is erected at the intersection.

(b) Unless otherwise directed by a pedestrian-control signal, pedestrians facing a steady red signal alone shall not enter the roadway.

(4) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

The Committee Amendment to **SB 37** is as follows:

Amend printed copy of Senate Bill 37 on page 1, by striking out the Title and substituting therefor the following: "AN ACT relating to vehicular and pedestrian traffic control."

HB 557, AN ACT relating to motor carriers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 281.011 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) The term "carrier" or "motor carrier" means any person who owns, controls, operates, manages, or leases, except persons leasing to authorized carriers, any motor vehicle for the transportation of persons or property for hire upon any highway, and any person who engages in the business of U-drive-it. It shall include common and contract carriers by motor vehicle, city and suburban buses, driveaways and U-drive-its;

(2) The term "motor vehicle" means any motor propelled vehicle used for the transportation of persons or property on a public highway, including any such vehicle operated as a unit in combination with other vehicles, and including vehicles propelled by electric power obtained from overhead wires whether operating over rails or otherwise.

(3) The term "common carrier" means any person who holds himself out to the general public to engage in the transportation by motor vehicle of persons or property in intrastate or interstate commerce over regular routes, except that persons holding irregular route common carrier authority granted by the interstate commerce commission, taxicabs, and local cartage vehicles are not required to move over regular routes;

(4) The term "irregular route common carrier" means any person who holds himself out to the general public to engage in the transportation by motor vehicle over irregular routes of specific commodities which have been[, or will be,] designated by the department as exempted commodities, including specific commodities removed from the exempted commodity list by the department [where the right to engage in the transportation of same has been properly grandfathered into the appropriate authority under the applicable statutes];

(5) The term "contract carrier" means any person who, under individual contracts or agreements, engages in the transportation, other than transportation referred to in subsections (3) and (4) of this section by motor vehicle of passengers or property in interstate or intrastate commerce.

(6) The term "driver" or "chauffeur" means the person physically operating the motor vehicle;

(7) The term "regular seat" means a seat ordinarily and customarily used by one (1) passenger and in determining such seating capacity the manufacturer's rating may be considered.

Section 2. KRS 281.014 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) (a) The term "taxicab certificate" means a certificate granting authority only for the operation of a given number of motor vehicles transporting passengers for hire, the principal operation of which is confined to the corporate limits of one city and its suburban area, and not operating over any regular route, and the destination of which motor vehicles are designated by the passengers at the time of such transportation;

(b) A "taxicab" is a motor vehicle operated under one or more taxicab certificates, and is a vehicle designed or constructed to transport not more than six (6) passengers exclusive of the driver;

(c) The term "taxicab license" means a license plate issued to a taxicab authorized to operate under a taxicab certificate;

(2) (a) An "airport limousine certificate" means a certificate granting authority only for the operation of motor vehicles exclusively transporting passengers or baggage for hire [over regular routes] between *an airport and* points within a city or its suburban area and an airport *over irregular routes*;

(b) An "airport limousine" is a motor vehicle operated under one or more airport limousine certificates;

(c) The term "airport limousine license" means a license plate issued for a motor vehicle authorizing its operation under one or more airport limousine certificates;

(3) (a) The term "local cartage certificate" means a certificate granting authority only for the operation of motor vehicles exclusively engaged in the transportation of property for hire between points within a city or within a city and its commercial area;

(b) A "local cartage vehicle" is a motor vehicle operated under a local cartage certificate;

(4) The term "U-drive-it" means any person who leases or rents a motor vehicle for a consideration to be used for the transportation of persons or property, but for which no driver is furnished, and the use of which motor vehicle is not for the transportation of persons or property for hire by the lessee or rentee;

(5) The term "driveaway" means the transporting and delivering of motor vehicles, except semi-trailers, and trailers, whether destined to be used in either a private or for-hire capacity, under their own power or by means of a full mount method, saddle mount method, the tow bar method or any combination of them over the highways of this state from any point of origin to any point of destination for-hire. The transportation of such vehicles by the full mount method on trailers or semi-trailers shall not be included in the term.

The Committee on Judiciary reported **HB 259,** with Committee Substitute attached thereto, and **HB 361** with the expression of opinion that the same should pass. Ordered delivered to the Committee on Rules.

The Committee Substitute to **HB 259** is as follows:

HB 259, AN ACT relating to interest and usury.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 360.010 is amended to read as follows:

(1) The legal rate of interest is six per cent per annum, but any party or parties may agree, in writing, for the payment of interest in excess of that rate as follows: (a) at a rate not in excess of eight and one-half per cent per annum on money due or to become due upon any contract or other obligation in writing secured by a lien on one single unit family residential real estate property, (b) at a rate not in excess of eight and one-half per cent per annum on money due or to become due upon any contract or other obligation in writing where the original principal amount is twenty-five thousand dollars or less, and (c) at any rate on money due or to become due upon any contract or other obligation in writing (except those mentioned in (a) above) where the original principal amount is in excess of twenty-five thousand dollars; and any such party or parties, and any party or parties who may assume or guarantee any such contract or obligation, shall be bound for such rate of interest as is expressed in any such contract, obligation, assumption, or guaranty, and no law of this state prescribing or limiting interest rates shall apply to any such agreement or to any charges which pertain thereto or in connection therewith.

(d) For the purpose of subsection 1(a) a single unit family residential real estate includes any real estate upon which is constructed or is to be constructed a modular home permanently attached thereto or any similar construction device designed to furnish a single unit family residential real estate.

(2) Any state or national bank may charge ten dollars for any loan negotiated at the bank in this state, even if the legal interest does not amount to that sum.

The Committee on Judiciary reported **HB 506,** with Committee Amendment attached thereto, **HB 564,** and **SB 193** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 506, AN ACT relating to descent and distribution providing for the enactment of the Uniform Disposition of Community Property Rights at Death Act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 363 is created to read as follows:

(1) This Act applies to the disposition at death of the following property acquired by a married person:

(a) All personal property, wherever situated:

(i) which was acquired as or became, and remained, community property under the laws of another jurisdiction; or

ii) all or the proportionate part of that property acquired with the rents, issues, or income of, or the proceeds from, or in exchange for, that community property; or

iii) traceable to that community property;

(b) All or the proportionate part of any real property situated in this state which was acquired with the rents, issues or income of, the proceeds from, or in exchange for, property acquired as or which became, and remained, community property under the laws of another jurisdiction, or property traceable to that community property.

(2) In determining whether this Act applies to specific property the following rebuttable presumptions apply:

(a) Property acquired during marriage by a spouse of that marriage while domiciled in a jurisdiction under whose laws property could then be acquired as community property is presumed to have been acquired as or to have become, and remained, property to which this Act applies; and

(b) Real property situated in this commonwealth and personal property wherever situated acquired by a married person while domiciled in a jurisdiction under whose laws property could not then be acquired as community property, title to which was taken in a form which created rights of survivorship, is presumed not to be property to which this Act applies.

(3) Upon death of a married person, one-half of the property to which this Act applies is the property of the surviving spouse and is not subject to testamentary disposition by the decedent or distribution under the laws of succession of this commonwealth. One-half of that property is the property of the decedent and is subject to testamentary disposition or distribution under the laws of succession of this commonwealth. With respect to property to which this Act applies, the one-half of the property which is the property of the decedent is not subject to the surviving spouse's right to elect against the will.

(4) If the title to any property to which this Act applies was held by the decedent at the time of death, title of the surviving spouse may be perfected by an order of the probate court or by execution of an instrument by the personal representative or the heirs or devisees of the decedent with the approval of the probate court. Neither the personal representative nor the court in which the decedent's estate is being administered has a duty to discover or attempt to discover whether property held by the decedent is property to which this Act applies, unless a written demand is made by the surviving spouse or the spouse's successor in interest.

(5) If the title to any property to which this Act applies is held by the surviving spouse at the time of the decedent's death, the personal representative or an heir or devisee of the decedent may institute an action to perfect title to the property. The personal representative has no fiduciary duty to discover or attempt to discover whether any property held by the surviving spouse is property to which this Act applies, unless a written demand is made by an heir, devisee, or creditor of the decedent.

(6) If a surviving spouse has apparent title to property to which this Act applies, a purchaser for value or a lender taking a security interest in the property takes his interest in the property free of any rights of the personal representative or an heir or devisee of the decedent. If a personal representative or an heir or devisee of the decedent has apparent title to property to which this Act applies, a purchaser for value or a lender taking a security interest in the property takes his interest in the property free of any rights of the surviving spouse. A purchaser for value or a lender need not inquire whether a vendor or borrower acted properly. The proceeds of a sale or creation of a security interest shall be treated in the same manner as the property transferred to the purchaser for value or a lender.

(7) This Act does not affect rights of creditors with respect to property to which this Act applies.

(8) This Act does not prevent married persons from serving or altering their interests in property to which this Act applies.

(9) This Act does not authorize a person to dispose of property by will if it is held under limitations imposed by law preventing testamentary dispostion by that person.

(10) This Act shall be so applied and construed as to effectuate the general purpose to make uniform the law with respect to the subject of this Act among those states which enact it.

(11) This Act may be cited as the Uniform Disposition of Community Property Rights at Death Act.

Section 2. KRS 391.010 is amended to read as follows:

Except as provided in this Act, w[W]hen a person having right or title to any real estate or inheritance dies intestate as to such estate, it shall descend in common to his kindred, male and female, in the following order, except as otherwise provided in this chapter:

(1) To his children and their descendants; if there are none, then

(2) To his father and mother, if both are living, one moiety each; but if the father is dead, the mother, if living, shall take the whole estate; if the mother is dead, the whole estate shall pass to the father; if there is no father or mother, then

(3) To his brothers and sisters and their descendants; if there are none, then

(4) To the husband or wife of the intestate; if there are none surviving, then

(5) One moiety of the estate shall pass to the paternal and the other to the maternal kindred, in the following order:

(a) The grandfather and grandmother equally, if both are living; but if one is dead, the entire moiety shall go to the survivor; if there is no grandfather or grandmother, then

(b) To the uncles and aunts and their descendants; if there are none, then

(c) To the great-grandfathers and great-grandmothers, in the same manner prescribed for grandfather and grandmother by subsection (a); if there are none, then

(d) To the brothers and sisters of the grandfathers and grandmothers and their descendants; and so on in other cases without end, passing to the nearest lineal ancestors and their descendants.

(6) If there is no such kindred to one of the parents as is described in subsection (5), the whole to go to the kindred of the other. If there is neither paternal nor maternal kindred, the whole shall go to the kindred of the husband or wife, as if he or she had survived the intestate and died entitled to the estate.

Section 3. KRS 391.030 is amended to read as follows:

(1) *Except as provided in this Act, w*[W]here any person dies intestate as to his personal estate, or any part thereof, the surplus, after payment of funeral expenses, charges of administration and debts, shall pass and be distributed among the same persons, and in the proportions, to whom and in which real estate is directed to descend, except as follows:

(a) The personal estate of an infant shall be distributed as if he had died after full age.

(b) An alien may be distributee as though he were a citizen.

(c) Personal property or money on hand or in bank to the amount of $3500 shall be exempt from distribution and sale and shall be set apart by the county court having jurisdiction over the estate on application to his surviving spouse and infant children, or, if there is no surviving spouse, to his infant children surviving him.

(2) The surviving spouse of any deceased person may, at any time before the property or money is set apart by the court, procure on petition from the judge of the county court having jurisdiction over administration of his estate, an order authorizing him to withdraw from any bank or other depository not exceeding $500 belonging to the estate of the deceased. Upon presentation of the order, the bank or depository shall permit him to withdraw the sum and shall lodge the order, endorsing thereon the amount withdrawn, with the clerk of the county court, and he shall retain it in his files to be considered in connection with further proceedings in the estate and the withdrawal shall be treated as a charge against the property of the estate exempt from distribution.

(3) In the application for the setting apart of property or money under this section the surviving spouse may make his selection out of the property of the estate to the extent that the value of the property selected does not exceed the amount of $3500.

(4) This section applies to cases where the husband or wife dies testate and the surviving spouse renounces the provisions of the will as provided by KRS 392.080.

The Committee Amendment to **HB 506** is as follows:

Amend printed copy of House Bill 506, page 1, line 1 by deleting "KRS Chapter 363" and inserting in lieu thereof "KRS Chapter 391"

and on page 5, line 7, by deleting "*Except as provided in this Act, w*" and by removing the brackets from around the letter "W"

and on page 6, line 22, by deleting "*provided in this Act*" and inserting in lieu thereof "*otherwise provided in this chapter*".

HB 564, AN ACT relating to the possession of controlled substances.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 218A.990 is amended to read as follows:

(1) Any person who knowingly and unlawfully traffics in or transfers a controlled substance classified in Schedules I or II which is a narcotic drug shall, for the first offense, be confined in the penitentiary for not less than 5 years nor more than 10 years or be fined not less than $5,000 nor more than $10,000, or both, and for each subsequent offense shall be confined in the penitentiary for not less than 10 years nor more than 20 years or be fined not less than $10,000 nor more than $20,000, or both.

(2) Any person who knowingly and unlawfully traffics in a controlled substance classified in Schedules I or II other than a narcotic drug, except marihuana, or in any controlled substance classified in Schedule III shall, for the first offense, be confined in the penitentiary for not less than 1 year nor more than 5 years or be fined not less than $3,000 nor more than $5,000, or both, and for each subsequent offense shall be confined in the penitentiary for not less than 5 nor more than 10 years or be fined not less than $5,000 nor more than $10,000, or both.

(3) Any person who knowingly and unlawfully traffics in any controlled substance classified in Schedules IV or V or transfers any controlled substance other than a narcotic drug except marihuana, classified in Schedules I, II, or III shall, for the first offense, be confined in the county jail for not more than 1 year or be fined not more than $500, or both, and for each subsequent offense shall be confined in the penitentiary for not less than one nor more than 5 years or be fined not less than $3,000 nor more than $5,000, or both.

(4) Any person who knowingly and unlawfully manufactures, sells, or possesses with intent to sell marihuana shall, for the first offense, be confined in the county jail for not more than 1 year or be fined not more than $500, or both, and for each subsequent offense shall be confined in the penitentiary for not less than 1 nor more than 5 years or be fined not less than $3,000 nor more than $5,000, or both.

(5) Any person who knowingly and unlawfully possesses a controlled substance classified in Schedules I or II which is a narcotic drug shall be, for the first offense, confined in the penitentiary for not less than 1 year nor more than 5 years or be fined not less than $3,000 nor more than $5,000, or both and for each subsequent offense shall be confined in the penitentiary for not less than 5 years nor more than 10 years or be fined not less than $5,000 nor more than $10,000, or both.

(6) Except as otherwise provided in this subsection, any person who knowingly and unlawfully possesses any controlled substance classified in Schedules I, II, or III which is not a narcotic drug, except marihuana, or of any controlled substance classified in Schedules IV, or V, shall be confined in the county jail but not more than 1 year or be fined not more than $500, or both.

(a) Any person found guilty of possession of any controlled substance pursuant to this subsection shall for a first offense, be ordered to a facility designated by the Commissioner of the Department of Mental Health where a program of treatment and rehabilitation not to exceed one year in duration shall be prescribed. The person ordered to the designated facility shall present himself for registration and initiation of a treatment program within five days of the date of sentencing. If, without good cause, the person fails to appear at the designated facility within the specified time, or if at any time during the program of treatment prescribed, the authorized clinical director of the facility finds that the person is unwilling to participate in his treatment and rehabilitation, the director shall notify the sentencing court. Upon receipt of notification, the court shall cause the person to be brought before it and may continue the order of treatment and rehabilitation, or may order confinement in the county jail for not more than one year or a fine of not more than $500, or both. Upon discharge of the person from the facility by the Commissioner of the Department of Mental Health or his designee prior to the expiration of the one-year period or upon satisfactory completion of one year of treatment, the person shall be deemed finally discharged from sentence. The commissioner or his designee shall notify the sentencing court of the date or such discharge from the facility.

(b) The Commissioner of the Department of Mental Health or his designee shall inform each court of the identity and location of the facility to which such person is sentenced.

(c) Transportation to the facility shall be provided by the court when the court finds the person unable to convey himself to the facility within five days of sentencing by reason of physical infirmity or financial incapability.

(d) The sentencing court shall immediately notify the designated facility of the sentence and its effective date.

(e) The Commissioner of Mental Health, or his designee, may authorize transfer of the person from the initially designated facility to another facility for therapeutic purposes. The sentencing court shall be notified of termination of treatment by the terminating facility.

(f) Responsibility for payment for treatment services rendered to persons pursuant to this section shall be as under the statutes pertaining to payment of patients and others for services rendered by the Department of Mental Health unless the person and the facility shall arrange otherwise.

(g) Any person found guilty of a subsequent offense of possession of controlled substances in violation of subsection (6) of this section shall be confined in the county jail for not more than 1 year or be fined not more than $500, or both.

(h) Prior to the imposition of sentence upon conviction of a second or subsequent offense, the court shall obtain a report of case progress and recommendations regarding further treatment from the facility at which the person was treated following his first conviction. If such material is not available, the court shall notify the Commissioner of the Department of Mental Health, and the commissioner shall cause the person to be examined by a psychiatrist employed by the department to evaluate his mental condition and to make recommendations regarding treatment and rehabilitation. The psychiatrist making the examination shall submit a written report of his findings and recommendations regarding treatment and rehabilitation to the court which shall make the report available to the prosecuting attorney and the attorney for the defendant. The court shall take such reports into consideration in determining sentence. The commissioner may decline to cause such examination to be made if the number of psychiatrists on duty in the department is insufficient to spare one from his regular duties or if no such service may be purchased at regular departmental rates, in such event the commissioner shall notify the clerk of the court to that effect within three days after receipt of notification by the court.

(i) For purposes of this section, an offense is considered a second or subsequent offense, if, prior to his conviction of the offense, the offender has at any time been convicted under this Act or under any statute of the United States or of any state relating to the substances classified as controlled substances.

(j) None of the provisions of this subsection shall be deemed to preclude the court from exercising its usual discretion with regard to ordering probation or conditional discharge.

(k) In the case of any person who has been convicted for the first time of possession of controlled substances, the court may set aside and void the conviction upon satisfactory completion of treatment, probation or other sentence, and issue to the person a certificate to that effect. A conviction voided under this subsection shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. Voiding of conviction under this subsection and dismissal may occur only once with respect to any person.

(7) Any person who knowingly and unlawfully possesses for his own use or transfers marijauna shall be confined in the county jail for not more than 90 days or be fined not more than $250.

(a) Possession of less than ten grams of marijauna shall create a presumption of possession for personal use;

(b) Possession of ten grams or more of marijauna shall create a presumption of possession for the purpose of unlawfully trafficking in or selling marijauna.

(c)[(a)] Any person found guilty of violating subsection (7) above may be ordered to a facility designated by the Commissioner of the Department of Mental Health where a program of education, treatment, and rehabilitation not to exceed ninety days in duration shall be prescribed. The person ordered to the designated facility shall present himself for registration and initiation of a treatment program within five days of the date of sentencing. If without good cause, the person fails to appear at the designated facility within the specified time, or if any time during the program of treatment prescribed, the authorized clinical director of the facility finds that the person is unwilling to participate in his treatment and rehabilitation, the director shall notify the sentencing court. Upon receipt of notification, the court shall cause the person to be brought before it and may continue the order of treatment and rehabilitation, or may order confinement in the county jail for not more than ninety days or a fine of not more than $250 or both. Upon discharge of the person from the facility by the Commissioner of the Department of Mental Health or his designee prior to the expiration of the ninety-day period or upon satisfactory completion of ninety days of treatment, the person shall be deemed finally discharged from sentence. The Commissioner or his designee shall notify the sentencing court of the date of such discharge from the facility.

(d)[(b)] The Commissioner of the Department of Mental Health or his designee shall inform each court of the identity and location of the facility to which a person sentenced by that court under this chapter shall be initially ordered.

(e)[(c)] In the case of a person ordered to a facility for treatment and rehabilitation pursuant to this chapter, transportation to the facility shall be provided by the court when the court finds the person unable to convey himself to the facility within five days of sentencing by reason of physical infirmity or financial incapability.

(f)[(d)] The sentencing court shall immediately notify the designated facility of the sentence and its effective date.

(g)[(e)] The Commissioner of Mental Health, or his designee, may authorize transfer of the person from the initially designated facility to another facility for therapeutic purposes. The sentencing court shall

be notified of termination of treatment by the terminating facility.

(h)[(f)] Responsibility for payment for treatment services rendered to persons pursuant to this section shall be as under the statutes pertaining to payment by patients and others for services rendered by the Department of Mental Health unless the person and the facility shall arrange otherwise.

(i)[(g)] None of the provisions of this chapter shall be deemed to preclude the court from exercising its usual discretion with regard to ordering probation or conditional discharge.

(j)[(h)] In the case of any person who has been convicted of possession of controlled substances in the third degree, the court may set aside and void the conviction upon satisfactory completion of treatment, probation or other sentence, and issue to the person a certificate to that effect. A conviction voided under this subsection shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.

(8) Any person who violates any provision of subsection (3), (4), or (5) of KRS 218A.140 with respect to a controlled substance classified in Schedules I, II, or III shall be guilty of a felony and shall be punished by confinement in the penitentiary for not less than 1 year nor more than 5 years, or by a fine of not less than $3,000 nor more than $5,000, or both.

(9) Any person who violates any provision of subsection (3), (4), or (5) of KRS 218A.140 with respect to a controlled substance classified in Schedules IV or V shall be guilty of a felony and shall be punished by not less than 1 year nor more than 3 years imprisonment, or by a fine of not less than $1,000 nor more than $3,000, or both.

(10) Any person who violates subsection (6) of KRS 218A.140 or who violates any other provision of this chapter, for which a specific penalty is not otherwise provided, shall be guilty of a misdemeanor and shall upon conviction be imprisoned for not more than 90 days or fined not more than $500, or both.

SB 193, AN ACT relating to the Judicial Retirement System.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 21.345 is amended to read as follows:

(1) For the purposes of KRS 21.350 to 21.510, "retirement" means a voluntary resignation or a failure of re-election, but does not include a removal for cause.

(2) The word "service" as used in KRS 21.370 to 21.480 means service as a judge or commissioner of the Court of Appeals, or as a regular circuit judge, or as director of the administrative office of the courts, including service in one (1) and then another of those capacities.

(3) For the purposes of KRS 21.345 to 21.520, a "year" of service means a total of twelve (12) months of service, which need not be in the same calendar year. Service in any calendar month shall be deemed to constitute a month of service.

The Committee on Judiciary reported **HB 447,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Ordered delivered to the Committee on Rules.

Calendar

HB 291, HB 430, HB 670, SB 68, HB 438 with Committee Amendment attached thereto, **HB 528** with Committee Amendment attached thereto, **HB 530, HB 558, HB 583, HB 651, HB 682,** and **HR 65** taken from the Calendar and ordered read at length for the second time. Representative Swinford moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Motions, Petitions and Communications

Representative Blythe moved that **HB 793** be reassigned to the Committee on Counties and Special Districts. Agreed.

Representative Holloway moved that **HB 700** be withdrawn. Agreed.

The Speaker resumed the Chair.

Orders of the Day

Representative Swinford moved that consideration of **HB 386, HB 96** with Committee Amendment attached thereto, **HB 397, HB 640,** and **HJR 24** be deferred and that they retain their position in Orders of the Day. Agreed.

HB 493, as amended by Committee Amendment No. 1, taken from Orders of the Day. Representative Swinford moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the following Floor Amendment No. 3 to **HB 493:**

Amend printed copy of House Bill 493 on page 28, line 17 by deleting "*members of*" and by removing the bracket in front of the word "every"

and on line 18, remove the bracket after the word "with"

and on line 19 delete beginning with the word "*who*" and delete all of line 20

and on line 21, delete the words "*dential Proclamation and*" and the word "*are*" and remove the brackets from the word "is"

and on line 26, delete the words "*such combat zone service*" and remove the bracket from in front of the word "The"

and on page 29, line 1, remove the bracket after the word "emergency".

Agreed.

Representative Swinford moved that **HB 493** as amended be placed upon its passage.

On the roll call the vote was yeas 76-Adams, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, R. Brown, Burch, Chandler, Clarke, Crupper, Dawahare, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Harris, Head, Hellard, Hislope, Holbrook, Hopkins, Imes, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible, Yates. Nays 1-DeMarcus.

HB 493 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 493** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 496 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative May moved that **HB 496** be placed upon its passage.

On the roll call the vote was yeas 78-Adams, Arnold, Bennett, Blandford, Blume, Brewer, R. Brown, Bruce, Burch, Chandler, Clarke, Crupper, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Harris, Head, Hellard, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, G. White, Whitfield, Wible, Yates. Nays 4-Allen, DeMarcus, Rattliff, Stephens.

HB 496 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 496** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 537** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 457 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hislope moved that **SB 193** be substituted for **HB 457,** taken from Orders of the Day, and placed upon its passage.

On the roll call the vote was yeas 88-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Burch, Chandler, Clapp, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hardin, Harris, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Sharpe, Siemens, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays-0.

The motion that **SB 193** be substituted for **HB 457,** taken from Orders of the Day, and placed upon its passage was adopted.

Representative Hislope moved that **SB 193** be taken from Orders of the Day and placed upon its passage.

On the roll call the vote was yeas 92-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Harris, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Stone, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, Wells, Whitfield, Wible, Yates. Nays 3-Clarke, Karem, Thomas.

SB 193 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 193** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 87** has been examined and found correctly enrolled. **SB 87** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Orders of the Day (continued)

HB 480, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved the adoption of Committee Amendment No. 1 to **HB 480.**

On the roll call the vote was yeas 51-Arnold, Bennett, Benson, Beshear, Blume, Blythe, Burch, Chandler, Clarke, Crupper, Dietz, Donnermeyer, Dunn, Freeman, Gay, Givhan, Graves, Hellard, Hopkins, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Louden, Mann, Maynard, McBee, McBride, McGill,

Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Richardson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Swinford, Troop, Turner, Watkins, J. White, Yates. Nays 26-Adams, Allen, Brewer, R. Brown, Clapp, Davis, Dawahare, DeMarcus, Foster, Hislope, Imes, Lewis, Lindsay, Little, Mason, Pearman, Reynolds, Roberts, Robinson, Sale, Stephens, Stewart, Stone, Van Horn, Whitfield, Wible.

The Committee Amendment No. 1 to **HB 480** was adopted.

Representative Donnermeyer moved that **HB 480** as amended be placed upon its passage.

On the roll call the vote was yeas 28-Bennett, Benson, Blume, Blythe, Bruce, Burch, Chandler, Dietz, Donnermeyer, Dunn, Givhan, Hughes, Isler, Kafoglis, Kenton, Kidd, Mann, McBee, McBride, Paxton, Priddy, Reynolds, Schmaedecke, Siemens, Swinford, Thomas, J. White, Yates. Nays 57-Adams, Allen, Arnold, Beshear, Blandford, Brewer, R. Brown, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Foster, Freeman, Gay, Graves, Guenthner, Hancock, Hardin, Harris, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hurst, Imes, Karem, Lewis, Lindsay, Little, Louden, Mason, May, Nett, O'Brien, Overstreet, Pearman, Rattliff, Richardson, Roberts, Robinson, Sale, Sharpe, Stephens, Stewart, Stone, Troop, Turner, Van Horn, Vincent, Watkins, Wells, G. White, Wible.

HB 480 as amended was defeated.

Representative DeMarcus moved that the vote by which **HB 480** was defeated be reconsidered and said motion be postponed indefinitely.

On the roll call the vote was yeas 47-Adams, Allen, Arnold, Beshear, Brewer, R. Brown, Clapp, Dawahare, DeMarcus, Denham, Foster, Freeman, Gay, Graves, Guenthner, Hardin, Harris, Head, Hislope, Holloway, Hopkins, Hurst, Imes, Lewis, Lindsay, Little, Louden, May, Morgan, Nett, O'Brien, Overstreet, Pearman, Rattliff, Richardson, Robinson, Sale, Sharpe, Stephens, Stewart, Stone, Turner, Vincent, Watkins, Wells, G. White, Wible. Nays 37-Bennett, Benson, Blandford, Blume, Blythe, Bruce, Burch, Chandler, Clarke, Davis, Dietz, Donnermeyer, Dunn, Hughes, Isler, Karem, Kenton, Mann, Mason, Maynard, McBee, McBrayer, McBride, Paxton, Priddy, Quickert, Roberts, Schmaedecke, Schmidt, Siemens, Swinford, Thomas, Troop, Van Horn, J. White, Whitfield, Yates.

The motion that the vote by which **HB 480** as amended was defeated be reconsidered and said motion be postponed indefinitely was adopted.

Representative Swinford moved that consideration of **HB 487,** with Committee Amendment attached thereto, be deferred and that it retain its position in Orders of the Day. Agreed.

HB 529 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Karem moved the adoption of the following Floor Amendment No. 1 to **HB 529:**

Amend printed copy of House Bill 529 on page 8, line 13 by deleting the word "bar,".

Agreed.

Representative Karem moved the adoption of the following Floor Amendment No. 2 to **HB 529:**

Amend printed copy of House Bill 529 on page 9, line 26 by placing a bracket beginning with the word "including"

and on page 10, line 1 by closing the bracket after the word "Embarrassment".

Agreed.

Representative Karem moved that **HB 529** as amended be placed upon its passage.

On the roll call the vote was yeas 59-Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, Chandler, Clarke, Donnermeyer, Dunn, Freeman, Gay, Givhan, Graves, Hardin, Head, Hellard,

Holbrook, Holloway, Hopkins, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Louden, Mann, Mason, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Reynolds, Richardson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Swinford, Troop, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 15-Allen, Crupper, DeMarcus, Denham, Foster, Guenthner, Harris, Imes, Little, McBee, Pearman, Roberts, Sale, Stone, Turner.

HB 529 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 529** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 560 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved that **HB 560** be placed upon its passage.

On the roll call the vote was yeas 89-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Bruce, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Harris, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Nett, Overstreet, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible, Yates. Nays-0.

HB 560 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 560** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 570 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Denham moved that **HB 570** be placed upon its passage.

On the roll call the vote was yeas 72-Adams, Arnold, Bennett, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Harris, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Kenton, King, Little, Mann, Maynard, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Pearman, Quickert, Richardson, Roberts, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible. Nays 14-Allen, Bowles, Bruce, DeMarcus, Imes, Lewis, Lindsay, Louden, Mason, McBride, Overstreet, Paxton, Reynolds, Yates.

HB 570 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 570** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 576** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 579 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Denham moved the adoption of the Committee Amendment No. 1 to **HB 579.** Agreed.

Representative Kafoglis moved the adoption of the following Floor Amendment No. 2 to **HB 579:**

Amend Committee Amendment to House Bill 579 by correcting page 2, relating to the amendment on page 35, lines 9 and 10 of **HB 579,** by deleting:

"*(6) The board of trustees may extend coverage to members retiring for service at age 55 or older when it is determined that sufficient funds are available for this purpose.*"

and by adding in lieu thereof the following:

"*(6) The board of trustees shall extend coverage to members retiring for service at age 55 or older.*"

On the roll call the vote was yeas 23-Adams, Benson, Beshear, Blandford, Brewer, Dawahare, Hellard, Holbrook, Hopkins, Imes, Kafoglis, Karem, Kenton, Lewis, Little, McBrayer, McGill, Roberts, Stone, Van Horn, Watkins, Whitfield, Wible. Nays 45-Allen, Arnold, R. Brown, Chandler, Clapp, Clarke, Crupper, Davis, Denham, Dietz, Foster, Gay, Givhan, Graves, Guenthner, Head, Hislope, Holloway, Hurst, Isler, King, Lindsay, Louden, Mann, Mason, McBee, McBride, Morgan, O'Brien, Overstreet, Paxton, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Sharpe, Stephens, Stewart, Swinford, Thomas, Troop, Turner.

The Floor Amendment No. 2 to **HB 579** was rejected.

Representative Swinford moved that **HB 579** be placed upon its passage as amended.

On the roll call the vote was yeas 89-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Lindsay, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible. Nays-0.

HB 579 as amended was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 579** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 581, with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the Committee Amendment No. 1 to **HB 581.** Agreed.

Representative Swinford moved the adoption of the Committee Amendment No. 2 to **HB 581.** Agreed.

Representative Blume moved the adoption of the Committee Amendment No. 3 to **HB 581.** Agreed.

Representative Swinford moved that **HB 581** as amended be placed upon its passage.

On the roll call the vote was yeas 83-Adams, Allen, Arnold, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, G. White,

J. White, Whitfield, Wible. Nays-0.

HB 581 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 581** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 595 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative DeMarcus moved the adoption of the following Floor Amendment No. 1 to **HB 595:**

Amend printed copy of House Bill 595 on page 2 following line 5 by adding the following:

"*(3) Nothing in this Act shall be interpreted as requiring re-examination of a licensee upon renewal of his driver's license.*"

Agreed.

Representative Lindsay moved that **HB 595** as amended be placed upon its passage.

Representative Karem moved that **HB 595** as amended be laid on the table.

On the roll call the vote was yeas 27-Benson, Beshear, Blume, Blythe, Clarke, Crupper, Davis, Denham, Dietz, Dunn, Guenthner, Hellard, Isler, Kafoglis, Karem, Kenton, Louden, Mann, McBee, Paxton, Schmaedecke, Schmidt, Siemens, Stone, Thomas, Vincent, Wells. Nays 42-Bennett, Brewer, R. Brown, Bruce, Clapp, DeMarcus, Foster, Freeman, Gay, Givhan, Graves, Hancock, Hardin, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Lewis, Lindsay, Mason, Maynard, McBrayer, McBride, McGill, O'Brien, Overstreet, Richardson, Roberts, Sale, Sharpe, Stewart, Swinford, Troop, Turner, Van Horn, J. White, Whitfield, Wible, Yates.

The motion that **HB 595** as amended be laid on the table was rejected.

On the roll call the vote was yeas 58-Arnold, Bennett, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Clapp, Dawahare, DeMarcus, Dietz, Dunn, Foster, Freeman, Gay, Givhan, Graves, Hardin, Harris, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Karem, Kidd, Lewis, Lindsay, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Overstreet, Priddy, Quickert, Richardson, Robinson, Romines, Sale, Schmaedecke, Sharpe, Siemens, Stewart, Swinford, Turner, Van Horn, J. White, Whitfield, Wible, Yates. Nays 23-Allen, Benson, Blythe, Chandler, Clarke, Crupper, Davis, Denham, Donnermeyer, Guenthner, Hancock, Hellard, Isler, Kafoglis, Kenton, Louden, Paxton, Reynolds, Roberts, Schmidt, Stone, Thomas, Vincent.

HB 595 as amended as passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 595** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 31** has been examined and found correctly enrolled. **HB 31** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 31 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (continued)

HB 627 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members

elected.

Representative McBride moved that **HB 627** be placed upon its passage.

On the roll call the vote was yeas 44-Arnold, Benson, Beshear, Blandford, Blume, Bruce, Clapp, Clarke, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Graves, Harris, Head, Hellard, Hislope, Imes, Karem, Kenton, Kidd, Lewis, Louden, Mann, Mason, May, Maynard, McBrayer, McBride, McGill, Morgan, Overstreet, Pearman, Paxton, Rattliff, Reynolds, Romines, Siemens, Stephens, Swinford, Thomas, Wells, Yates. Nays 37-Adams, Blythe, Brewer, Chandler, Davis, Dawahare, Dietz, Freeman, Gay, Givhan, Guenthner, Hancock, Hardin, Holbrook, Holloway, Hopkins, Hughes, Isler, Kafoglis, King, McBee, O'Brien, Priddy, Richardson, Robinson, Schmaedecke, Sharpe, Stewart, Stone, Troop, Turner, Van Horn, Vincent, Watkins, G. White, J. White, Wible.

HB 627 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 627** was passed be reconsidered and said motion be postponed indefinitely.

On the roll call the vote was yeas 41-Arnold, Benson, Beshear, Blandford, Blume, Bruce, Chandler, Clapp, Clarke, Denham, Donnermeyer, Dunn, Foster, Graves, Harris, Head, Hellard, Holloway, Imes, Karem, Kenton, Lewis, Lindsay, Mann, May, Maynard, McBrayer, McBride, McGill, Morgan, Overstreet, Pearman, Paxton, Rattliff, Reynolds, Romines, Siemens, Stephens, Swinford, Thomas, Wells. Nays 41-Adams, Allen, Bennett, Blythe, Brewer, Crupper, Davis, Dawahare, DeMarcus, Dietz, Freeman, Gay, Givhan, Guenthner, Hancock, Hardin, Hislope, Holbrook, Hopkins, Hughes, Isler, Kafoglis, King, Louden, McBee, Nett, O'Brien, Priddy, Richardson, Robinson, Sharpe, Stewart, Stone, Troop, Turner, Van Horn, Vincent, G. White, J. White, Wible, Yates.

The motion that the vote by which **HB 627** was passed be reconsidered and said motion be postponed indefinitely was rejected.

Representative Swinford moved that consideration of **HB 655,** with Committee Amendment attached thereto, be deferred and that it retain its position in Orders of the Day. Agreed.

HB 662 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved that **HB 662** be placed upon its passage.

On the roll call the vote was yeas 89-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Graves, Guenthner, Hancock, Hardin, Harris, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible, Yates. Nays-0.

HB 662 was passed and the title agreed to.

HB 687 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kafoglis moved that **HB 687** be placed upon its passage.

On the roll call the vote was yeas 79-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Chandler, Clarke, Davis, Dawahare, DeMarcus, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Harris, Head, Hellard, Hislope, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Lindsay, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy,

Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Schmidt, Sharpe, Siemens, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, G. White, J. White, Whitfield, Wible, Yates. Nays 1-Schmaedecke.

HB 687 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 687** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HR 32 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of **HR 32.**

HR 32 was adopted by voice vote.

Representative Swinford moved that the vote by which **HR 32** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HJR 44** be deferred and that it retain its position in Orders of the Day. Agreed.

HCR 62 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hislope moved that **HCR 62** be placed upon its passage.

On the roll call the vote was yeas 75-Adams, Allen, Arnold, Bennett, Benson, Blandford, Blume, Brewer, R. Brown, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Guenthner, Hancock, Harris, Head, Hislope, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Robinson, Romines, Sale, Schmaedecke, Schmidt, Siemens, Stephens, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Yates. Nays 9-Hellard, Holbrook, Little, Overstreet, Richardson, Sharpe, Stone, Thomas, Wells.

HCR 62 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HCR 62** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HR 63** and **SB 29,** with Committee Amendment attached thereto, be deferred and that it retain its position in Orders of the Day. Agreed.

SB 86, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the Committee Substitute for **SB 86.** Agreed.

Representative Wible moved that **SB 86,** by way of Committee Substitute, be placed upon its passage.

On the roll call the vote was yeas 82-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Hancock, Harris, Head, Hellard, Hislope, Holbrook, Hopkins, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, J. White,

Whitfield, Wible, Yates. Nays 2-Imes, Stone.

SB 86, by way of Committee Substitute, was passed and the title agreed to.

Representative Wible moved that the vote by which **SB 86,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 119 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McBrayer moved that **SB 119** be placed upon its passage.

On the roll call the vote was yeas 84-Adams, Allen, Arnold, Bennett, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, Denham, Dietz, Dunn, Foster, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Harris, Head, Hellard, Hislope, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Whitfield, Wible, Yates. Nays 1-Benson.

SB 119 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 119** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 128 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lindsay moved that **SB 128** be placed upon its passage.

On the roll call the vote was yeas 86-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Harris, Head, Hellard, Hislope, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Whitfield, Wible, Yates. Nays-0.

SB 128 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 128** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 137 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved the adoption of the following Floor Amendment No. 1 to **SB 137:**

Amend printed copy of Senate Bill 137 on page 1, line 7 by deleting "*cost includes*" and inserting in lieu thereof "*compensation comprehends*";

and on page 1, line 7, following "plus" by inserting "reasonable";

and on page 1, line 8, by deleting "or" and inserting in lieu thereof "and";

and on page 1, line 8, by deleting "work" and inserting in lieu thereof "cost";

and on page 2, line 3, by deleting "*thirty-five*" and inserting in lieu thereof "*45*";

and on page 2, lines 3 and 4, by deleting "*one copy of the repair order claim*" and inserting in lieu thereof "*a valid warranty claim. If a valid warranty claim is not paid within the said 45 days, the dealer may give the manufacturer one (1) copy of the dealer's related repair order*";

and on page 2, line 8, by deleting "if" and inserting in lieu thereof "is";

and on page 2, lines 11, 12, 13, 14, 15, by deleting "*Any other information, description, details, statistical analysis or clerical work of any nature related to the repair order claim shall be the responsibility of and performed by and at the expense of the manufacturer or distributor.*" and inserting in lieu thereof "*If after 15 days, the valid warranty claim is still not paid, the dealer may deduct a like amount from any monies due or owing to the manufacturer or distributor.*";

and on page 2, line 18, by deleting "*repair order*" and inserting in lieu thereof "*warranty*";

and on page 2, lines 19, 20, 21, 22, 23, by deleting "*In the event that payment is not received within thirty-five days from submission of the repair order claim, the dealer may deduct a like amount from any monies due and owing to the manufacturer or distributor.*";

and on page 2, lines 25, 26, by deleting "*just repair order*" and inserting in lieu thereof "*valid warranty*

and on page 2, line 26, by deleting "*90*" and inserting in lieu thereof "*30*";

and on page 3, line 1, following "*work*" by inserting "*or longer if existing manufacturer-dealer relationships apply. Upon the written request of the dealer for valid reasons, the manufacturer will extend the submission time*";

and on page 3, lines 11, 12, 13, 14, following "vehicles" by deleting "not accepted by or properly delivered to an authorized dealer shall be resolved solely between the manufacturing and transportation divisions of manufacturers or distributors." and inserting in lieu thereof "regarding valid transportation damage properly noted by the dealer on the delivery receipt shall be resolved solely between the manufacturer and his carrier. If the vehicle was received outside normal dealer working hours, the damage must be reported within 36 hours after dealer's working hours have next resumed."

Agreed.

Representative Donnermeyer moved that **SB 137** as amended be placed upon its passage.

On the roll call the vote was yeas 85-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Chandler, Clarke, Crupper, Davis, Dawahare, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Hancock, Hardin, Harris, Head, Hellard, Hislope, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible, Yates. Nays 2-Allen, DeMarcus.

SB 137 was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which **SB 137** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that **SB 178** be recommitted to the Committee on Banking and Insurance. Agreed.

HB 68, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its

passage. Agreed by a majority of members elected.

Representative Kafoglis moved the adoption of the Committee Substitute for **HB 68.**

Representative Blythe moved that consideration of **HB 68** be deferred and that it retain its position in Orders of the Day.

On the roll call the vote was yeas 22-Allen, Arnold, Blythe, Crupper, Davis, Dawahare, DeMarcus, Gay, Guenthner, Hancock, Hislope, Holbrook, Holloway, Hopkins, Little, Louden, Mason, Overstreet, Rattliff, Schmaedecke, Schmidt, J. White. Nays 54-Adams, Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Bruce, Chandler, Clarke, Dietz, Donnermeyer, Dunn, Foster, Graves, Hardin, Harris, Hellard, Hughes, Hurst, Imes, Kafoglis, Karem, Kenton, King, Kleier, Lewis, Mann, McBee, McBrayer, McBride, McGill, Nett, O'Brien, Paxton, Quickert, Richardson, Romines, Sharpe, Siemens, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, G. White, Whitfield, Wible, Yates.

The motion that consideration of **HB 68** be deferred and that it retain its position in Orders of the Day was rejected.

On the roll call the vote was yeas 68-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Chandler, Clarke, Crupper, Davis, Dawahare, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hardin, Harris, Head, Hellard, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kleier, Lewis, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Nett, O'Brien, Overstreet, Paxton, Quickert, Reynolds, Richardson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, G. White, Whitfield, Wible, Yates. Nays 12-Allen, Blythe, DeMarcus, Gay, Guenthner, Hancock, Hislope, Holbrook, Holloway, Little, Robinson, J. White.

The Committee Substitute for **HB 68** was adopted.

Representative Kafoglis moved the adoption of the following Floor Amendment No. 2 to the Committee Substitute for **HB 68:**

Amend printed copy of Committee Substitute for House Bill 68 on page 7, line 5 by striking "*$50*" and inserting in lieu thereof "*$100*".

Agreed.

Representative Kafoglis moved the adoption of the following Floor Amendment No. 3 to the Committee Substitute for **HB 68:**

Amend printed copy of Committee Substitute for House Bill 68 on page 7, line 6 by changing "*$2,500*" to "*$3,000*".

Agreed.

Representative Kafoglis moved the passage of **HB 68,** by way of Committee Substitute as amended.

Representative Lindsay moved the adoption of the Floor Amendment No. 1 to **HB 68.**

Representative Schmaedecke moved that consideration of **HB 68,** by way of Committee Substitute as amended, be deferred and that it retain its position in Orders of the Day.

On the roll call the vote was yeas 46-Allen, Bennett, Blume, Blythe, Brewer, Clapp, Crupper, DeMarcus, Denham, Dietz, Dunn, Foster, Gay, Givhan, Guenthner, Hancock, Hardin, Head, Hislope, Holbrook, Holloway, Hopkins, Hurst, Isler, Kenton, Lindsay, Little, Louden, Mason, May, McBee, Morgan, Overstreet, Rattliff, Reynolds, Robinson, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stewart, Turner, Van Horn, Wells, J. White. Nays 45-Adams, Arnold, Benson, Beshear, Blandford, R. Brown, Bruce, Chandler, Clarke, Davis, Dawahare, Donnermeyer, Graves, Harris, Hellard, Hughes, Imes, Kafoglis, Karem, Kidd, King, Kleier, Lewis, Mann, McBrayer, McBride, McGill, Nett, O'Brien, Pearman, Paxton, Quickert, Richardson, Romines, Stephens, Stone, Swinford, Thomas, Troop, Vincent, Watkins, G. White, Whitfield, Wible, Yates.

The motion that consideration of **HB 68,** by way of Committee Substitute as amended, be deferred and that it retain its position in Orders of the Day was adopted.

The Speaker Pro Tempore presiding.

HB 100, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McBrayer moved the adoption of the Committee Substitute for **HB 100.** Agreed.

Representative McBrayer moved the adoption of the Committee Amendment No. 1 to the Committee Substitute for **HB 100.**

On the roll call the vote was yeas 68-Adams, Allen, Arnold, Bennett, Blandford, Brewer, R. Brown, Bruce, Chandler, Clapp, Crupper, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Graves, Guenthner, Hancock, Harris, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Robinson, Romines, Schmaedecke, Sharpe, Siemens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Vincent, Watkins, J. White, Wible, Yates. Nays 16-Benson, Beshear, Blythe, Clarke, DeMarcus, Givhan, Hellard, Hislope, Karem, Kenton, Nett, O'Brien, Richardson, Stephens, Van Horn, Whitfield.

The Committee Amendment No. 1 to the Committee Substitute for **HB 100** was adopted.

Representative Hopkins moved the adoption of the following Floor Amendment No. 3 to the Committee Substitute for **HB 100:**

Amend printed copy of Committee Substitute for House Bill 100 on page 3, line 15 by adding, after the word "Discussions", the words "or hearings"

and on page 4, line 11, by adding after "4,", the following: "6 but only so far as it relates to students,"

On the roll call the vote was yeas 83-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blythe, Brewer, R. Brown, Bruce, Chandler, Clapp, Clarke, Crupper, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Gay, Givhan, Graves, Guenthner, Hancock, Harris, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Little, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Whitfield, Wible, Yates. Nays-0.

The Floor Amendment No. 3 to the Committee Substitute for **HB 100** was adopted.

Representative Hopkins moved the adoption of the following Floor Amendment No. 2 to the Committee Substitute for **HB 100:**

Amend printed copy of Committee Substitute for House Bill 100 on page 4, line 2 by inserting, between the word "standing" and the word "committees", the words "and rules".

On the roll call the vote was yeas 36-Adams, Allen, Benson, Beshear, Blythe, Bruce, Clarke, Davis, Dawahare, DeMarcus, Gay, Givhan, Guenthner, Hellard, Holbrook, Holloway, Hopkins, Imes, Kafoglis, Karem, Kenton, King, Kleier, Nett, Overstreet, Rattliff, Richardson, Robinson, Schmaedecke, Schmidt, Stephens, Stone, Troop, Van Horn, Whitfield, Wible. Nays 47-Arnold, Bennett, Blandford, R. Brown, Chandler, Clapp, Crupper, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Hancock, Hardin, Harris, Head, Hislope, Hughes, Isler, Kidd, Lewis, Lindsay, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Pearman, Paxton, Quickert, Reynolds, Romines, Sharpe, Siemens, Stewart, Swinford, Turner, Vincent, Watkins, J. White, Yates.

The Floor Amendment No. 2 to **HB 100** was rejected.

Representative McBrayer moved that **HB 100,** by way of Committee Substitute as amended, be placed upon its passage.

On the roll call the vote was yeas 80-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blythe, Brewer, R. Brown, Bruce, Chandler, Clarke, Crupper, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Harris, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Mann, Mason, May, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 6-Allen, Clapp, Louden, McBride, Pearman, Robinson.

HB 100, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative McBrayer moved that the vote by which **HB 100,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Siemens moved that **HB 68** be taken from Orders of the Day and placed upon its passage.

Representative Blythe moved that the House go to the next order of business.

On the roll call the vote was yeas 63-Allen, Arnold, Bennett, Blandford, Blythe, Brewer, Chandler, Clapp, DeMarcus, Denham, Dietz, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hardin, Head, Holbrook, Holloway, Hopkins, Hughes, Isler, Kafoglis, Karem, Kidd, Kleier, Lindsay, Little, Louden, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Overstreet, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stephens, Stewart, Stone, Swinford, Van Horn, Vincent, Wells, J. White, Wible, Yates. Nays 18-Adams, Beshear, Clarke, Crupper, Dawahare, Donnermeyer, Hancock, Harris, Hellard, Imes, Kenton, King, Lewis, Mann, Nett, Thomas, Troop, Turner.

The motion that the House go to the next order of business was adopted.

Announcements

Representative Swinford moved that when the House adjourns, it do so until 10:00 a.m., Friday, March 8, 1974. Agreed.

Representative Swinford moved that when the House adjourns, it do so by voice vote.

On the roll call the vote was yeas 52-Adams, Allen, Arnold, Benson, Blythe, Chandler, Clarke, Crupper, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hardin, Harris, Head, Holbrook, Hopkins, Hughes, Kafoglis, Karem, Kidd, Lewis, Lindsay, Louden, Mason, McBee, McBrayer, McBride, McGill, O'Brien, Overstreet, Paxton, Priddy, Quickert, Rattliff, Richardson, Sale, Schmaedecke, Schmidt, Stewart, Stone, Swinford, Turner, Van Horn, J. White, Wible, Yates. Nays 8-Hancock, Hellard, Imes, King, Kleier, Mann, Siemens, Stephens.

The motion that when the House adjourns, it do so by voice vote was adopted.

Representative Swinford moved that the rules be suspended for Introduction of Bills and Resolutions and Posting of Bills and Resolutions for Consideration. Agreed.

Introduction of Bills and Resolutions

HB 811, by Representative Benson: AN ACT relating to court costs.

HB 812, by Representative Benson: AN ACT relating to the office of attorney of Police Court in Cities of the First Class.

HB 813, by Representatives Morgan and Kafoglis: AN ACT creating a citizens Legislative Compensation Commission.

HB 814, by Representatives Freeman, Morgan, Hislope, Karem, Little, Mann and Nett: AN ACT relating to higher education.

HB 815, by Representatives Siemens and Burch: AN ACT relating to debt collection.

HB 816, by Representatives Morgan and Harris: AN ACT relating to licensing of speech pathologists and audiologists.

HB 817, by Representative Clarke: AN ACT relating to revenue and taxation.

HB 818, by Representatives Blythe and Guenthner: AN ACT relating to motor vehicle certificates of title.

HB 819, by Representatives Kenton, Clarke, Karem, Quickert and Wible: AN ACT relating to deposit of state moneys.

HB 820, by Representative Swinford: AN ACT relating to horse racing.

HB 821, by Representative Hopkins: AN ACT relating to cemeteries.

HR 84, by Representatives Hopkins and Swinford: A RESOLUTION directing the Legislative Research Commission to cause to be conducted a study of Mentally Retarded Offenders and Kentucky Adult and Juvenile Correctional Institutions.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Public Utilities and Transportation: **SB 188, HB 604.**

Appropriations and Revenue: **HB 809, HB 785, HB 677, HB 817, HB 566.**

Labor and Industry: **HB 772, HB 774, HB 777, HB 802.**

Banking and Insurance: **SB 176, SB 159.**

Counties and Special Districts: **HB 793.**

Announcements

The Committee on Appropriations and Revenue will meet at 8:30 a.m. in Room 307 on March 8, 1974.

The following members filed Floor Amendments: King, No. 1 to **HB 588;** Overstreet, No. 1 to **HB 539;** Yates, No. 2 to **HB 426;** Lindsay, No. 4 to **HB 314;** Kenton, No. 2 to **HB 477;** Burch, No. 1 to **HB 477;** J. White, No. 1 to **HB 734;** Bruce, No. 3 to **SB 29;** Yates, No. 3 to **HB 477;** Kenton, No. 2 to **HB 483;** Whitfield, No. 2 to **HB 320;** Bennett, No. 4 to **HB 477;** Beshear, No. 2 to **HJR 44;** Blume, No. 5 to **HB 640;** Lindsay, No. 4 to **HB 68;** Freeman, No. 1 to **SB 45;** Freeman, No. 2 to **SB 45.**

Adjournment

Representative Swinford moved that the House adjourn until 10:00 a.m., Friday, March 8, 1974. Agreed.

FRIDAY, MARCH 8, 1974

FORTY-EIGHTH LEGISLATIVE DAY

The House was called to order by Speaker Blume.

Prayer by Reverend Wayne B. Smith, Southland Christian Church, Lexington, Kentucky.

The roll was called. All present except Representatives Bowles, E. Brown, Hinkle, Maynard, Roberts, and Siemens.

Representative Isler moved that absent members be granted leave of absence in accordance with the rules of the House. Agreed.

The following members filed excuses: Representatives Bowles, E. Brown, Hinkle, Maynard, Roberts, and Siemens.

Representative Hughes moved that the reading of the Journal of March 7, 1974, be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HB 822, by Representative Bruce: AN ACT changing the classification of the City of Crofton, in Christian County.

HB 823, by Representatives Kenton and Morgan: AN ACT relating to city managers.

HB 824, by Representatives Hellard and Benson: AN ACT relating to district detectives.

HB 825, by Representatives Hellard and Benson: AN ACT relating to county police.

HB 826, by Representatives Isler, Dietz, Donnermeyer, King and Mann: AN ACT relating to state holidays.

HB 827, by Representative Isler: AN ACT relating to disabled police and firemen.

HJR 85, by Representative Denham: A JOINT RESOLUTION directing the Department of Transportation to designate highway US 68, from Maysville to its junction with state highway KY 32 and KY 36 near Carlisle, as "Henry Ward Highway."

HR 86, by Representative Hislope: A RESOLUTION honoring Troop 79 of the Boy Scouts of America on their Fiftieth Anniversary.

HR 87, by Representative Yates: A RESOLUTION requesting appointment of a special committee to oversee improvement of Cane Run Road in Jefferson County.

The Speaker Pro Tempore presiding.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **HB 804,** 806, **HB 809, HB 810, HB 817.**

Business Organizations and Professions: **HB 815, HB 816, HB 821, SB 197.**

Counties and Special Districts: **HB 818.**

Education: **HB 814, HR 83.**

Highways and Traffic Safety: **HB 807.**

Judiciary: **HB 811, HB 812, HR 84, SB 189, SB 256.**

Labor and Industry: **HB 805.**

State Government: **HB 808, HB 813, HB 819, HB 820, SB 194, SB 249, SB 257, SB 267.**

Banking and Industry: **SB 106.**

Elections and Constitutional Amendments: **HR 82.**

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Education: **HB 751, HB 766, HB 778, HB 786, SB 156, SB 165, SB 239.**

Report of Committees

The Committee on Rules reported the following Bills and Resolutions have been posted for passage on March 11, 1974: **HB 430, HB 438** with Committee Amendment attached thereto, **HB 528** with Committee Amendment attached thereto, **HB 530, HB 558, HB 583, HB 651, HB 670, HB 682, HR 65, SB 68, HB 665, HB 684** with Committee Amendment attached thereto.

The Committee on Rules reported **HB 291** has been recommitted to the Committee on Appropriations and Revenue for study of fiscal implications.

The Committee on Rules reported **HB 614** has been recommitted to the Committee on Appropriations and Revenue for fiscal analysis.

The Committee on Rules reported **HB 197** has been recommitted to the Committee on Judiciary for study of form and legality.

The Committee on Rules reported **HB 516** has been recommitted to the Committee on Judiciary for study of form and legality.

The Committee on Rules reported **HB 615** has been recommitted to the Committee on Appropriations and Revenue for fiscal analysis.

The Committee on Rules reported **HB 717** has been recommitted to the Committee on Appropriations and Revenue for fiscal analysis.

The Committee on Appropriations and Revenue reported **HB 545** with Committee Amendment attached thereto, **HB 709, HB 733, HB 734,** and **HR 41** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 545, AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 132.590 is amended to read as follows:

(1) The compensation of the property valuation administrator shall be in accordance with the provisions of subsection (5) of this section. Should a property valuation administrator for any reason vacate the office in any year during his term of office, he shall be paid only for the calendar days actually served during the year.

(2) *The Department of Revenue shall include in its budget sufficient funds which, when combined with county appropriations provided in accordance with subsection (3) of this section and city appropriations provided in accordance with KRS 132.285, will be sufficient for use* [The property valuation administrator's office shall be allowed by the state] as compensation for *approved* deputies, other authorized personnel, and for other authorized expenditures, [one and one-quarter cents on each one hundred dollars of the property assessed, exclusive of livestock and farm machinery, on the first two hundred fifty million dollars and one cent on each one hundred dollars of the property assessed over two hundred fifty million dollars;] but the total sum allowed any property valuation administrator's office as compensation for deputies, other authorized personnel, and for other authorized expenditures shall not exceed $35,000 in any county except in a county having an assessment in excess of three hundred million dollars which shall be governed by KRS 132.630; however, each property valuation administrator's office shall be allowed a minimum of three thousand six hundred dollars annually, including local contributions for the assessment, for the compensation of deputies, other authorized personnel, and for other authorized expenditures. Each property valuation administrator may appoint any persons approved by the Department of Revenue to assist him in the discharge of his duties. Each deputy must be more than twenty-one years of age and may be removed at the pleasure of the property valuation administrator. The salaries of deputies and other authorized personnel shall be fixed by the property valuation administrator and shall be subject to the approval of the Department of Revenue. No deputy property valuation administrator employed, or promoted to a higher position shall be approved for compensation from any funds derived from any taxing jurisdiction or jurisdictions in excess of thirty-six hundred dollars in any one calendar year, without having qualified by examination, said examination to be prepared and administered by the Department of Revenue in accordance with standards of the Department of Personnel, for the position to which he is being appointed or promoted. No state funds available to any property valuation administrator's office as compensation for deputies and other authorized personnel or for other authorized expenditures shall be paid without authorization of the Department of Revenue, prior to the employment by the property valuation administrator of deputies or other authorized personnel or the incurring of other authorized expenditures.

(3) Each county fiscal court shall annually appropriate and pay each fiscal year to the office of the property valuation administrator *as its cost for use of the assessment as required by KRS 132.280* [for deputy and other personnel allowance, supplies, maps and equipment, travel allowance for the property valuation administrator and his deputies and other authorized personnel, and other authorized expenses of the office] $250 for the first $1,000,000 of assessment and three-tenths of one cent for each one hundred dollars of assessment in excess of $1,000,000 exclusive of livestock and farm machinery; but the total sum to be paid by the fiscal court to any property valuation administrator's office shall not exceed $25,000 except in a county having an assessment in excess of $2,000,000,000 which shall be governed by KRS 132.630. This allowance shall be based on the assessment as of the previous January 1 *and shall be used for deputy and other personnel allowance, supplies, maps and equipment, travel allowance for the property valuation administrator and his deputies and other authorized personnel, and other authorized expenses of the office* .

(4) Each property valuation administrator shall at the end of each month file a claim with the fiscal court for the salaries of his deputies, other personnel, and other expenses of his office incurred during the month which are reimbursable from county funds. The court shall order payment made provided the total of all claims filed with the court does not exceed the total sum available under this section. Copies of all claims filed under the provisions of this section and KRS 132.285 (1) (c) shall be filed with the Department of Revenue. The property valuation administrator shall maintain a payroll record of all employes compensated from local funds derived from any taxing jurisdiction, file such record with the Department of Revenue and pay all funds withheld from employes compensation for federal FICA taxes, federal income taxes, state

income taxes, state employes retirement, and all other required deductions by the fifth day following the end of each month. During county election years the property valuation administrator shall not be allowed to expend in excess of forty percent of the allowances available to his office from county funds during the first five months of the fiscal year in which the general election is held.

(5) The annual compensation of the property valuation administrator shall be governed as follows:

(a) A county having an assessment in excess of $5[2],000,000,000 shall be classified in grade twenty-*two* of the state personnel system in effect January 1, 1974[2].

(b) A county having an assessment between $2,000,000,000 and $5,000,000,000 shall be classified in grade twenty-one of the state personnel classification system in effect January 1, 1974.

(c)[(b)] A county having an assessment between $5[4]00,000,000 and $2,000,000,000 shall be classified in grade *twenty* [nineteen] of the state personnel classification system in effect January 1, 1974[2].

(d)[(c)] A county having an assessment between $*400*[250],000,000 and $5[4]00,000,000 shall be classified in grade *nineteen* [eighteen] of the state personnel classification system in effect January 1, 1974[2].

(e) A county having an assessment between $250,000,000 and $400,000,000 shall be classified in grade eighteen of the state personnel classification system in effect January 1, 1974.

(f)[(d)] A county having an assessment between $125,000,000 and $250,000,000 shall be classifield in grade seventeen of the state personnel classification system in effect January 1, 1974[2].

(g)[(e)] A county having an assessment between $100,000,000 and $125,000,000 shall be classified in grade sixteen of the state personnel classification system in effect January 1, 1974[2].

(h)[(f)] A county having an assessment between $75,000,000 and $100,000,000 shall be classified in grade fifteen of the state personnel classification system in effect January 1, 1974[2].

(i)[(g)] A county having an assessment between $50,000,000 and $75,000,000 shall be classified in grade fourteen of the state personnel classification system in effect January 1, 1974[2].

(j)[(h)] A county having an assessment between $35,000,000 and $50,000,000 shall be classified in grade thirteen of the state personnel classification system in effect January 1, 1974[2].

[(i) A county having an assessment between $25,000,000 and $35,000,000 shall be classified in grade twelve of the state personnel classification system in effect January 1, 1972.]

(k)[(j)] A county having an assessment less than $*35* [25],000,000 shall be classified in grade *twelve* [eleven] of the state personnel classification system in effect January 1, 1974[2].

(l)[(k)] *The grade classificiation shall be determined on the basis of the total assessment of property subject to state tax as certified by the Department of Revenue, except that t*[T]he assessment of livestock and farm machinery shall be excluded in determining the grade classification.

(m)[(l)] The provisions of this section shall be computed on the 1974[2] assessment and on each annual assessment thereafter.

[(m) Property valuation administrators shall be placed in that step in grade which will provide an annual compensation in 1972 not less than the annual compensation received in 1971.]

(n) Property valuation administrators shall be advanced in grade in accordance with the rules and regulations of the Department of Personnel applicable to state employes.

Section 2. KRS 132.630 is amended to read as follows:

(1) [In counties having an assessment in excess of five billion dollars] *T*[t]he total amount allowed from state funds for all authorized expenses of the property valuation administrator's office except the property valuation administrator's salary shall be fixed by the Department of Revenue but in no event shall the amount exceed: [in the aggregate the amount determined under KRS 132.590 (2). The provisions of this subsection shall be computed on the 1972 assessment and on each annual assessment thereafter.]

(a) In counties having an assessment in excess of five billion dollars the amount determined by the Department of Revenue.

(b)[(2)] In counties having an assessment in excess of two billion dollars but less than five billion dollars [the total amount allowed from state funds for all authorized expenses of the property valuation administrator's office except the property valuation administrator's salary shall be fixed by the Department of Revenue but in no event shall the amount exceed] one hundred thousand dollars[, except that the Department of Revenue may authorize additional expenditures under KRS 132.600. However, the total amount allowed exclusive of allowances under KRS 132.600 shall not exceed in the aggregate the amount determined under KRS 132.590 or one hundred thousand dollars, whichever is smaller].

(c)[(3)] In counties having an assessment in excess of three hundred million dollars but less than five hundred million dollars [the total amount allowed from state funds for all authorized expenses of the property valuation administrator's office except the property valuation administrator's salary shall be fixed by the Department of Revenue but in no event shall the amount exceed] fifty thousand dollars.

(d)[(4)] In counties having an assessment in excess of five hundred million *dollars* but less than two billion dollars [the total amount allowed from state funds for all authorized expenses of the property valuation administrator's office except the property valuation administrator's salary shall be fixed by the Department of Revenue but in no event shall the amount exceed] seventy-five thousand dollars.

(2)[(5)] The provisions of subsections (1) [,(2), (3), and (4)] shall be computed on the 1974[2] assessment, exclusive of livestock and farm machinery, and on each annual assessment thereafter.

(3)[(6) In counties having an assessment in excess of two billion dollars] *T*[t]he total amount allowed from county funds for authorized expenditures of the property valuation administrator's office shall not exceed fifty thousand dollars in a county having an assessment in excess of two billion dollars but less than five billion dollars and one hundred thousand dollars in a county having an assessment in excess of five billion dollars.

(4) Any county funds appropriated under the provisions of this section or KRS 132.590 but unexpended by the close of each fiscal year for which such funds are appropriated shall carry over and be added to the amount required to be appropriated for the next fiscal year except that the Department of Revenue may release such funds or any part thereof that the department deems not necessary for operations of the property valuation administrators office.

Section 3. KRS 132.600 is hereby repealed.

The Committee Amendment No. 2 to **HB 545** is as follows:

Amend printed copy of House Bill 545 on page 1, line 10 by deleting "The Department of Revenue shall include in its";

and on page 1, line 11 through 14 by deleting lines 11 through 14 in their entirety;

and on page 1, line 15 by deleting the bracket appearing before the word "The";

and on page 1, line 16 by deleting the bracket appearing following the word "state" and deleting the word "*approved*";

and on page 1, line 18 by deleting the bracket appearing before the word "one"

and on page 2, line 3 by deleting the bracket following the word "dollars"

HB 709, AN ACT making an appropriation to the Board of Ethics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated to the Board of Ethics, established pursuant to KRS 6.690, $30,000 for fiscal year 1974-75, and $30,000 for fiscal year 1975-76.

Section 2. Any unexpended balance remaining at the close of the 1974-75 fiscal year shall not lapse, but shall continue into the 1975-76 fiscal year.

HB 733, AN ACT relating to license taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 137.190 is amended to read as follows:

The license tax imposed by KRS 137.170, the admission tax imposed by KRS 138.480 and the state tax imposed by KRS 138.510 to 138.550 on pari-mutuel systems of betting shall be in lieu of all other license, excise, special or franchise taxes to the state or any county, city or other political subdivision *except as provided in this Act* . No county, city or other political subdivision may levy any license, income, excise, special or franchise tax on any such person or corporation engaged in the business of conducting a race track at which races are conducted for stakes, purses or prizes, or on the operation or maintenance of any pari-mutuel machine or similar device, or on the money or amount of money handled by or through any pari-mutuel machine or similar device or on the sale of any merchandise during the conducting of races thereon by any such person or corporation *except a city of the first class which may levy a license tax pursuant to KRS 91.200.*

HB 734, AN ACT appropriating money out of the General Expenditure Fund in the State Treasury for the purpose of paying certain claims which have been duly audited and approved according to law but which have not been paid because of the lapsing or insufficiency of former appropriations against which said claims were chargeable.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is appropriated out of the General Expenditure Fund in the State Treasury for the purpose of compensating persons and companies herein named for claims which have been duly audited and approved according to law but which have not been paid because of lapsing of former appropriations against which said claims were chargeable, the sums hereinafter specified:

City Electric Company P.O. Box 71 Benton, Kentucky 42025	$ 629.54
Union County Hospital, Inc. P.O. Box 389 Morganfield, Kentucky 42437	$ 24.50
Sunrise Manor Hodgenville Kentucky 42748	$ 427.50
Coca Cola Bottling Works, Inc. 1324 Cumberland Avenue Middlesboro, Kentucky 40965	$ 518.00
Mr. James L. Gay 133 High Street Versailles, Kentucky	$ 59.75
Barkley Lake Water District P. O. Box 308 Cadiz, Kentucky 42211	$ 313.49
International Harvester Company 1300 West Walnut Louisville, Kentucky 40203	$ 3,418.94
Mr. William H. Priest Route 1 Mt. Sterling, Kentucky 40353	$ 200.17
Craig's Lumberteria Lock Road Carrollton, Kentucky 41008	$ 344.17
Kain & Stewart Ford, Inc. 510 East Main Street Frankfort, Kentucky 40601	$ 77.48
Cincinnati Time Recorder 1733 Central Avenue Cincinnati, Ohio 45214	$ 105.14
Econo-Color P. O. Box 4002 Atlanta, Georgia 30302	$ 543.95

East End Lumber and Supply Company P. O. Box 299 Carrollton, Kentucky 41008	$ 624.20
King, Deep, Branaman & Hunt Ohio Valley National Bank Building Henderson, Kentucky 42420	$ 247.10
Taylor-Green Ready Mix Company P. O. Box 65 Greensburg, Kentucky 42743	$ 55.13
Dixie Building Supply P. O. Box 547 London, Kentucky 40741	$ 222.05
Jack Dayton & Son, Inc. Shelby & Main Streets Louisville, kentucky 40202	$ 481.37
Goins Floor Covering 118 W. Broadway Frankfort, Kentucky 40601	$ 264.85
Xerox Corporation 3101 Breckinridge Lane, Suite 3A Louisville, Kentucky 40220	$ 573.30
Pattie A. Clay Hospital Eastern By-Pass P. O. Box 727 Richmond, Kentucky 40475	$ 47.07
Baker & Hickman Center Street Madisonville, Kentucky 42431	$ 799.64
St. Joseph Hospital 1400 Harrodsburg Road Lexington, Kentucky 40504	$ 4,853.48
St. Elizabeth Hospital 21st and Eastern Avenue Covington, Kentucky 41014	$ 922.68
Child Evaluation Center 540 South Preston Street Louisville, Kentucky 40202	$ 85.00
Northern Kentucky Easter Seal Society for Crippled Children & Adults, Inc. 212 LeVassor Avenue Covington, Kentucky 41014	$ 70.00
Children's Hospital 226 East Chestnut Street Louisville, Kentucky 40202	$ 30.00
The Rehabilitation Center, Inc. 3701 Bellemeade Avenue	

Evansville, Indiana 47715	$ 24.00
Drs. Kleinert & Kutz, P.S.C. 1001 Doctor's Office Building Louisville, Kentucky 40202	$ 30.00
Hugh C. Smith, M. D. 128 North Hamilton Street Georgetown, Kentucky 40324	$ 25.00
Morgan's Radio & TV Service 303 South 3rd Street Paducah, Kentucky 42001	$ 1,174.64
Western Auto Associate Store Pineville Kentucky 40907	$ 15.79
V. Mueller 6600 West Touhy Chicago, Illinois 60648	$ 196.00
Oliver-Buick Pontiac Company Fort Boone Plaza Frankfort, Kentucky 40601	$ 49.00
Institutional Distributors, Inc. 610 East Fourth Street London, Kentucky 40741	$ 777.15
Mr. Damon A. Vaughn 215 First Street Henderson, Kentucky 42420	$ 2,050.00
Ohio River-Oldham County Water District Department LaGrange Kentucky 40031	$ 30,457.25
Gulf Oil Products J. W. Black, Distributor P. O. Drawer "G" Corbin, Kentucky 40701	$ 35.55
Dixie Building Supply U. S. 25 South Highway P. O. Box 547 London, Kentucky 40741	$ 174.08
Dr. B. H. Wells 206 South Kentucky Avenue Corbin, Kentucky 40701	$ 14.00
William G. Allen, D.M.D. 404 Kitchen Building Ashland, Kentucky 41101	$ 250.00
John S. Ashworth, M.D. 1205 Montgomery Avenue Ashland, Kentucky 41101	$ 10.00

Doctors Beard, Fuller and Dobbs 814 Medical Towers Louisville, Kentucky 40202	$ 45.00
William Booth Memorial Hospital 323 E. Second Street Covington, Kentucky 41012	$ 78.00
Chenault and Travis, P.S.C. 2370 Nicholasville Road Lexington, Kentucky 40503	$ 115.00
Henry S. Collier, M.D. 266 Medical Towers South Louisville, Kentucky 40202	$ 31.50
Albert G. J. Cullum, M.D. 920 Dorchester Avenue Middlesboro, kentucky 40965	$ 1,310.50
Drs. Dorton, Segnitz, & Moore 108 East Maxwell Street Lexington, Kentucky 40508	$ 200.00
John L. Walker, D.M.D. 1169 Eastern Parkway Louisville, Kentucky 40217	$ 436.50
Bernard J. Schoo, M.D. 1169 Eastern Parkway Louisville, Kentucky 40217	$ 32.00
Harold L. Reams, M.D. 2505 Larkin Road Lexington, Kentucky 40506	$ 40.00
Norton-Children's Hospitals, Inc. P. O. Box 655 Louisville, Kentucky 40201	$ 1,226.68
Louis M. Muldrow, Jr., M.D. 2366 Nicholasville Road Lexington, Kentucky 40503	$ 350.00
Kent C. Moseley, D.D.S. 133 South Pin Oak Drive Lexington, Kentucky 40503	$ 68.00
William C. Mitchell, M.D. 1169 Eastern Parkway Louisville, Kentucky 40217	$ 1,000.00
Medical Anesthesia Associates 1169 Eastern Parkway Louisville, Kentucky 40217	$ 203.00
Knox County General Hospital Barbourville Kentucky 40906	$ 40.00
Drs. Kinnaird, Brewer & Green	

1517 South Limestone Street Lexington, Kentucky 40503	$ 500.00
Johan Jensen, M.D. 270 Medical Towers South Louisville, Kentucky 40202	$ 18.00
Frank M. Jenkins, M.D. 2368 Nicholasville Road Lexington, Kentucky 40503	$ 587.50
Drs. Jelsma, Ross, Jelsma, Jelsma Medical Arts Building 1169 Eastern Parkway Louisville, Kentucky 40217	$ 90.00
James W. Harkess, M.D. c/o Kosair Hospital 982 Eastern Parkway Louisville, Kentucky 40217	$ 975.00
Graves-Gilbert Clinic, P.S.C. 1109 State Street Bowling Green, Kentucky 42101	$ 375.00
Good Samaritan Hospital 310 South Limestone Lexington, Kentucky 40508	$ 791.05
Davidson Motor Company Route 15 Hazard, Kentucky 41701	$ 80.96
The King's Daughers' Hospital 2201 Lexington Avenue Ashland, Kentucky 41101	$ 261.93
University of Kentucky Lexington, Kentucky 40506	$ 24,236.70
Simplex Time Recorder Company Gardner Massachusetts 01440	$ 14.70
VWR Scientific 2042 Camaro Avenue Columbus, Ohio 43207	$ 202.66
Department of Transportation Bureau of Highways Frankfort, Kentucky 40601	$ 992.13
Dick Artley, Ex-Constable Road 2, Box 328 Nicholson, Pennsylvania	$ 40.00
Harold West, Ex-Sheriff Whitley County Williamsburg, Kentucky 40769	$ 74.71
O. D. Bruner, Ex-Sheriff	

P.O. Box 157 London, Kentucky 40741	$ 339.22
Jantzen, Inc. P.O. Box 3001 Portland, Oregon 97208	$ 331.16
Sarah M. Jones, County Treasurer Hart County Munfordville, Kentucky	$ 4,250.00
Deitz and McCall 504 Burdorf Building Louisville, Kentucky 40202	$ 2,756.25
Mr. Earl Dean, Sr. Jointly with Walter Chapleau & George C. Page 202 S. Chiles Street Harrodsburg, Kentucky 40330	$ 2,500.00
University of Kentucky Lexington, Kentucky 40506	$ 97,183.37
University of Kentucky Lexington, Kentucky 40506	$ 27,447.73
Ernest J. Mayfield Route 1 Murray, Kentucky	$ .40
C. A. Richardson 2623 Hale Louisville, Kentucky	$ .25
Doyle H. Harden 515 Ann Street Frankfort, Kentucky 40601	$ 46.19
C. Hulsey, Jr. 2511 Date Street Louisville, Kentucky	$ 5.20
Charles T. Milby Greensburg Kentucky	$ 4.73
Ben Moneypenny 1109 Rammers Avenue Louisville, Kentucky	$ 40.56
Robert E. Wright 2207 S. 7th Street Louisville, Kentucky	$ 3.85
Troy Westerfield Parksville Kentucky	$ 2.46
Glen Turpin 248 N. Broadway	

Lexington, Kentucky	$	5.90
Patricia G. Spand 634 Charlotte Court Lexington, Kentucky	$	63.77
David F. Williams Route 2 Henderson, Kentucky	$	62.80
Maxine B. Ray 510 Fifth Street Bowling Green, Kentucky	$	.73
Virgil L. Estepp 213 Preston Avenue Lexington, Kentucky	$	2.15
Virgil L. Estepp Lexington Kentucky	$	.67
Earl H. Holmes 1411 Goddard Avenue Louisville, Kentucky	$	14.65
George B. McFalls 112 Constitution Street Georgetown, Kentucky	$	1.54
Evelyn Willard 10 E. College Street Hagerstown, Indiana	$	1.88
James R. Bedinger 265 E. 3rd Street Lexington, Kentucky	$	24.68
Louise Bowlin 118 E. 3rd Street Lexington, Kentucky	$	3.91
Jim A. Bright 120 West 2nd Street Frankfort, Kentucky	$	77.96
Jesse Canter Route 2 Berea, Kentucky	$	82.37
Paul Cherry 1418 St. James Court Louisville, Kentucky	$	1.35
Carolyn Sue Clark 115 Old Shelbyville Road Middletown, Kentucky	$	15.39
Levi Cotton, Jr. 809 5th Street Henderson, Kentucky	$	5.78

D. B. Pope 1549 Gallagher Street Louisville, Kentucky	$	4.31
R. Boshear 1265 Bassett Avenue Louisville, Kentucky	$	5.00
S. Daniels 536 North 2nd Street Millville, New Jersey	$	.62
R. W. Dockery, M.D. 1918 W. Broadway Louisville, Kentucky	$	3.20
Otie Fugate Star Route 2, Box 6 Krypton, Kentucky	$	4.84
Adrian Mattingly 5405 Robbs Lane Louisville, Kentucky 40219	$	51.54
O. T. Daugherty 2219 Greenup Street Covington, Kentucky	$	8.37
Kathleen Bentley 33 Center Street Hamilton, Ohio	$	3.78
Robert Davis 401 Main Street LaGrange, Kentucky	$	6.61
Madge W. Smith 213 W. Hickman Street Winchester, Kentucky	$	7.39
C. Rhea, M.D. 2610 Loyd Street Murfreesboro, Tennessee	$	4.00
C. Rhea, M.D. 2610 Loyd Street Murfreesboro, Tennessee	$	10.00
Treasurer, Hickman County Hickman County Court House Clinton, Kentucky 42031	$	130.69
Hazel D. George Route 1, Box 384 Pensacola, Florida 32507	$	25.78
Charles Pate & John B. Anderson P.O. Box 724 Owensboro, Kentucky 42301	$	425.00

Delmar Smyth & Ina Smyth Zoe Kentucky 41397	$ 75.00
Clyde C. Burdick, Jr. 1607 Ft. Sumter Drive Lexington, Kentucky 40505	$ 14.22
Stephen C. Wickline 1109 Pawnee Trail, Apt. 1-A Georgetown, Kentucky 40324	$ 3.77
Ruth W. Housek 153 Elm Street Versailles, Kentucky	$ 1.07
Ohio County Court Clerk Commonwealth vs. Regina Martin Hartford, Kentucky 42347	$ 300.00
Ora Fullwood 454 Maple Avenue Lexington, Kentucky	$ 6.90
Max R. Bier 333 West 86th Street New York, New York 10024	$ 3.98
Marshall County Court Clerk Commonwealth vs. Emma Mary Gray Benton, Kentucky 42025	$ 4,000.00
Hickman County Treasurer Clinton Kentucky	$ 174.31
Mary E. Miller 1348 S. 3rd Street Louisville, Kentucky	$ 1.24
Paul Gardner, Jr. P.O. Box 66 Cerulean, Kentucky 42215	$ 33.00
J. Wilhoit Route 3, Box 99 London, Kentucky 48741	$ 6.49
Mary Elizabeth Quattrocchi Route 1, Leesburg Road Georgetown, Kentucky 40324	$ 2.17
City of Martin Martin Kentucky	$ 175.00
Joseph E. Logsdon 426 N. 43rd Street Louisville, Kentucky 40212	$ 20.02
Mrs. Faye Herndon	

2515 Faulkner Drive Hopkinsville, Kentucky 42240	$ 19.00
Estate of John Smith Route 1 Spurlington, Kentucky	$ 81.96
Mrs. Earl Whitley, Administratrix Estate of Ora and Emma Peddicord Route 2 Cynthiana, Kentucky 41031	$ 6.00
Mr. & Mrs. Sterling Dowdy 3713 Winchester Owensboro, Kentucky	*$ 7.43*
	$226,537.07

Section 2. The persons and companies named above having in good faith furnished the services, supplies, and materials enumerated in Section 1, and the Commonwealth having received the benefits of same, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

HR 41, A JOINT RESOLUTION directing a study of the financing of transportation in the Commonwealth of Kentucky.

WHEREAS, the development of a complete system of transportation, including highways, mass transit, air, rail and water, is essential for the health, welfare and economic well-being of all Kentuckians; and

WHEREAS, the protection of the environment and costs to the taxpayers necessitates the most efficient transportation system possible; and

WHEREAS, the tremendous increase in construction of highways has resulted in a financial burden on the Commonwealth for total maintenance of the system; and

WHEREAS, a sound maintenance program is essential to protect the safety of users and the people's investment; and

WHEREAS, when the road fund was established mass transit was not a major consideration as a state responsibility; and

WHEREAS, the need for a multi-modal system of transportation is now recognized as essential; and

WHEREAS, the Department of Transportation has undertaken a study of transportation needs on a long-range basis; and

WHEREAS, the present road fund taxes may be used for road or road related purposes only; and

WHEREAS, over $70 million each fiscal year is required to meet debt retirement on the highway bonds as a fixed cost to the road fund; and

WHEREAS, the State Road Fund is partially financed by certain revenues generated by the sale and use of motor fuels; and

WHEREAS, the amount of such revenues which may be expected to accrue to the State Road Fund is directly related to the gallonage sale and use of motor fuels; and

WHEREAS, the present and prospective shortage of gasoline and other motor fuels and the attendant rise in the price per gallon detrimentally influences the total revenues expected to accrue to the State Road Fund; and

WHEREAS, a complete evaluation of the financial needs and related tax structure to assure a sound system of transportation in the Commonwealth are major policy questions requiring action by the General Assembly;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) That the Legislative Research Commission undertake a comprehensive study to identify and evaluate all possible and practicable options and alternatives for the future financing and support

of the State Road Fund and the Commonwealth's system of transportation including highways, mass transit, airports and air service, railway services and transportation by water.

(2) That the Commissioner of the Executive Department for Finance and Administration shall cooperate with and assist the Legislative Research Commission in the conduct of such study, including the supplying of all relevant and pertinent information and reports as may be requested by the Commission. The Secretary of Transportation and the Commissioner of Revenue shall supply the Commissioner for Finance and Administration with information needed and requested by the Commission.

(3) That the Legislative Research Commission is authorized to supplement the costs of such study by accepting federal funds or support from any source and that the Commission be empowered to engage by contract, or otherwise, the personnel necessary to conduct such study.

Section 2. The Commission shall report its findings and recommendations, together with any proposed legislation, to the General Assembly and the Governor prior to October 1, 1975, so that said findings and recommendations may be fully considered in preparation of budget requests for the 1976 General Assembly.

Section 3. There is hereby appropriated to the Legislative Research Commission from the General Expenditure Fund in the State Treasury the sum of $150,000 for fiscal year 1974-75 for the sole purpose of conducting the study directed by this Resolution. Any unexpended balance remaining at the close of fiscal year 1974-75 shall not lapse but shall continue into the 1975-76 fiscal year.

The Committee on Elections and Constitutional Amendments reported **HB 502,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 502, AN ACT relating to rights and duties of policemen and firemen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 95.015 is amended to read as follows:

(1) Employes [Members] of the police and fire departments in cities *in Kentucky* shall abide by and adhere to the rules, regulations and laws set forth by the Kentucky Revised Statutes, and the legislative body of the city in which they are employed, provided, that no such rule, regulation or law shall *be passed by the legislative body, civil-service board commission, agency, panel or group* [apply] that alters, abridges or otherwise restricts the constitutional rights of said *employes* [members] and said *employes,* [members, except when on duty,] shall not be restrained from exercising their *constitutional* rights and privileges or from entering into any endeavor enjoyed by all other citizens of the city in which they reside.

(2) Police and firefighters in cities in Kentucky shall have the right to seek and be elected to public office, they shall be given a leave of absence for the legal term of such elective office and shall be allowed to remain a member of the pension system in the city so employed and shall continue to pay any costs required to continue to be a member of the pension system. The member at his request shall be returned to the previous position held at the time of the leave of absence.

The Committee Substitute for **HB 502** is as follows:

HB 502, AN ACT relating to the rights of public employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 61 is created to read as follows:

(1) Public employes shall abide by and adhere to the rules, regulations and laws set forth by the Kentucky Revised Statutes, provided, that no such rule, regulation or law shall be passed by the legislative body, civil-service board, commission, agency, panel or group that alters, abridges or otherwise restricts the constitutional rights of said public employes shall not be restrained from exercising their constitutional rights and privileges or from entering into any endeavor enjoyed by all other citizens.

(2) Public employes shall have the right to seek and be elected to public office, they shall be given a leave of absence for the legal term of such elective office and shall be allowed to remain a member of the

pension system to which they belong, and shall continue to pay any costs required to continue to be a member of the pension system. The member at his request shall be returned to the previous position held at the time of the leave of absence.

The Committee on Judiciary reported **HB 94,** with Committee Amendment attached thereto, **HB 454** with Committee Amendment No. 2 attached thereto, **HB 507, HB 616, HB 718, HB 726,** and **HB 747** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 94, AN ACT relating to juveniles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 208.060 is amended to read as follows:

(1) All cases involving children brought before the court shall be granted a speedy hearing and shall be dealt with by the juvenile court at separate hearings and without a jury. The hearings may be conducted in an informal manner. The general public shall be excluded and only the immediate families of the parties before the court, witnesses necessary for the prosecution and defense of the case, the probation worker with direct interest in the case, those persons enumerated under KRS 208.040, such persons admitted as the judge shall find have a direct interest in the case or in the work of the court, and such other persons as agreed to by the child and his attorney may be admitted to the hearing. *The news and broadcast media shall be permitted to attend such hearings but shall be prohibited from reporting the name, or showing pictures or sketches of any juvenile involved in the proceedings.* Witnesses shall be admitted to the hearing only for the duration of their testimony.

(2) Juvenile proceedings shall consist of two distinct hearings, an adjudication and a disposition, which may, upon motion of the child, be held on separate days.

(a) The adjudication shall determine the truth or falsity of the allegations in the petition and shall be made on the basis of an admission or confession of the child to the court or by the taking of evidence.

(b) Upon motion by any child brought before the court on a petition under KRS 208.020 (1) (a), (b), or (c), the Rules of Criminal Procedure shall apply to all matters involved in the adjudication of the case. All adjudications shall be supported by evidence beyond a reasonable doubt.

(c) After adjudication, the court shall determine whether the circumstances surrounding the child are such as to endanger his safety or welfare or that of the community and warrant his detention pending the disposition.

(d) The disposition shall determine the action to be taken by the court on behalf of, and in the best interest of, the child. Unless the provisions of subsections (3) and (4) are observed by the court, the disposition shall be limited to an informal adjustment of the matter between the parties and the court. The provisions of subsections (3) and (4) shall be conditions precedent to any commitment, court-ordered probation, restitution, or other disposition enforceable by the authority of the court. No public or private agency or body, or party before the court, shall be required to participate in any order of the court unless it receives from the court a verified statement, signed by the juvenile judge, that the rights enumerated in subsections (3) and (4) were granted to the child during the proceedings in juvenile court.

(3) Before commencing a hearing and proceeding to determine the truth or falsity of the allegations in a petition filed with the court under KRS 208.020 (1) (a), (b), or (c), the court shall decide, on the basis of a preliminary inquiry made by the court, whether or not the best interest of the child indicates that the petition should be dismissed and the child's case adjusted informally among the parties. An informal adjustment may be made at any time during the proceedings. All petitions brought under KRS 208.020 (1) (a), (b), or (c) shall receive this consideration by the court. No petition shall be brought against the child as a result of information given to the court by the child as part of an informal adjustment. If the court finds it necessary to extend the discussion, during an informal adjustment, beyond the immediate subject matter of the complaint before it, the child and his parents, relative, guardian, or custodian shall be advised of all the rights under this subsection. If the court determines that a formal proceeding is required to determine the truth or falsity of the allegations against the child, a petition, sworn to by the complainant, shall be required pursuant to KRS 208.070 (1) and (2), and the court shall, when the child is brought before the court:

(a) Explain to the child and his parents, relative, guardian, or custodian their respective rights to counsel and, if the child and his parents, relative, guardian, or custodian are unable to obtain counsel, shall appoint counsel for the child and may appoint counsel for the parents, relative, guardian, or custodian; *if the person or persons named above are indigent and unable to obtain counsel, the court shall appoint counsel for*

the juvenile and may appoint counsel for the parents, relative, guardian or custodian, and if such person or persons are not indigent, the court may appoint counsel for the juvenile and require payment of a reasonable attorney's fee by the parents, relative, guardian or custodian not to exceed $200, but if the court decides before any such hearing that incarceration of the juvenile or other person is not likely, then it shall not be mandatory for counsel to be appointed even if the juvenile or other person is found to be indigent;

(b) Explain the privilege against self-incrimination by saying that the child, parents, relative, guardian, or custodian may remain silent concerning the charges against the child, and that anything said may be used against the child and result in his commitment to an institution for juvenile delinquents;

(c) Explain the right to confront anyone who has accused the child and to cross-examine that person on the allegations made against the child;

(d) Advise the child and his parents, relative, guardian, or custodian of the right to appeal from a determination of the court;

(e) Advise the child that these rights belong to him and may not be waived by his parents, relative, guardian, or custodian.

(4) At the disposition of a child adjudicated on a petition brought pursuant to KRS 208.020 (1) (a), (b), or (c), all information helpful in making a proper disposition, including oral and written reports, may be received by the court and relied upon to the extent of their probative value, provided that the parties or their counsel shall be afforded an opportunity to examine and contravert the reports and cross-examine the individuals making the reports.

(5) In the case of any child brought before the court on a petition under KRS 208.020 (1) (d), the rules of evidence and procedure described in subsection (3) of this section shall apply.

The Committee Amendment No. 2 to **HB 94** is as follows:

Amend printed copy of House Bill 94 on page 4, lines 11 through 23, by deleting the following: "*if the person or persons named above are indigent and unable to obtain counsel, the court shall apppoint counsel for the juvenile and may appoint counsel for the parents, relatives, guardian or custodian, and if such person or persons are not indigent, the court may appoint counsel for the juvenile and require payment of a reasonable attorney's fee by the parents, relative, guardian or custodian not to exceed $200, but if the court decides before any such hearing that incarceration of the juvenile or other person is not likely, then it shall not be mandatory for counsel to be appointed even if the juvenile or other person is found to be indigent;*"

HB 454, AN ACT relating to special law enforcement officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 61 is created to read as follows:

This act may be cited as "The Special Law Enforcement Officer Act."

Section 2. A new section of KRS Chapter 61 is created to read as follows:

As used in this act:

(1) "Commission" means a commission issued to an individual by the Secretary of Justice, entitling such individual to perform special law enforcement duties on public property.

(2) "Council" means the Kentucky Law Enforcement Council.

(3) "Department" means the Department of Justice.

(4) "Public Property" means property currently owned or used by any organizational unit or agency of state, county, city, metropolitan government, or a combination of these. The term shall include property currently owned or used by public airport authorities.

(5) "Secretary" means the Secretary of the Department of Justice.

(6) "Special law enforcement officer:"

(a) Means one whose duties include the protection of public property from intrusion, entry, larceny, vandalism, abuse, intermeddling, or trespass; and

(b) Means one whose duties include the prevention, observation or detection of, or apprehension for, any unlawful activity; and

(c) Means one whose duties include the control of the operation, speed and parking of motor vehicles, bicycles and other vehicles, and the movement of pedestrian traffic; and

(d) Means one whose duties include the answering any intrusion alarm; and

(e) Shall include the capitol police, the capitol plaza police, public school district security officers, public airport authority security officers, and the officers of other public security forces established for the

purpose of protecting specific public property; and

(f) Shall not include members of a lawfully organized police unit or police force of state, county, city, or metropolitan government, or a combination of these, who are responsible for the detection of crime and the enforcement of the general criminal laws of the state; nor shall it include any of the following officials or officers:

(i) Sheriffs, sworn deputy sheriffs, city marshals, constables, sworn deputy constables, and coroners;

(ii) Auxiliary and reserve police appointed under KRS 70.545, 95.160, 95.445, or 95.740;

(iii) State park rangers and conservation officers;

(iv) Officers of the division of motor transportation and division of boating responsible for law enforcement;

(v) Officers of the bureau of corrections responsible for law enforcement;

(vi) Fire marshals and deputy fire marshals;

(vii) Other officers not mentioned above who are employed directly by state government and are responsible for law enforcement;

(viii) Federal peace officers;

(ix) Those campus security officers who are commissioned under KRS 164.950;

(x) Private security officers and railroad policemen licensed or commissioned pursuant to state statute.

(7) "Sworn public peace officer" means one who derives plenary or special law enforcement powers from, and is a full-time employe of, the federal government, the commonwealth, or any political subdivision, agency, department, branch or service of either, or of any municipality.

Section 3. A new section of KRS Chapter 61 is created to read as follows:

The Secretary of the Department of Justice may commission special law enforcement officers, for such time as he deems necessary, to protect and to enforce the law on public property. Upon application of a unit or agency of state, county, city, or metropolitan government, the secretary may appoint those persons recommended by the unit or agency who satisfy the requirements of this act.

Section 4. A new section of KRS Chapter 61 is created to read as follows:

This act shall be administered by the secretary, or by any agency within the Department of Justice designated by the secretary and acting under his authority. The secretary shall make, promulgate, and enforce such rules, orders, regulations, and instructions as may be reasonable and necessary to carry out the provisions of this act. The secretary may appoint such employes, and delegate such duties to the same, as he, in his sound discretion, deems appropriate.

Section 5. A new section of KRS Chapter 61 is created to read as follows:

In order to qualify for a commission as a special law enforcement officer under this act, an individual must present satisfactory evidence of compliance with the following conditions and requirements:

(1) No person shall be eligible for a commission who:

(a) Has been dishonorably discharged from the armed forces of the United States; or

(b) Has been convicted in any jurisdiction of any felony or of any crime involving moral turpitude for which he has not received a full pardon; or

(c) Has been convicted of any other offense or offenses more than five times within the previous three years; or

(d) Has by any court of competent jurisdiction been declared incompetent by reason of mental defect or disease and has not been restored; or

(e) Suffers from habitual drunkenness or from narcotics addiction or dependence, or from any physical defect or deficiency which the secretary determines to materially impair the applicant's ability to perform the duties of a special law enforcement officer.

(2) Every person to be eligible for a commission shall:

(a) Have reached his twenty-first birthday;

(b) Provide, on forms supplied by the secretary, such information pertaining to himself as may reasonably be requested thereon, including, but not limited to: his name; age; date of birth; past and present addresses and employment; aliases, if any; arrest and conviction record, if any; social security number; fingerprints; photographs; and general physical description. The accuracy of such information shall be attested by the applicant and his attestation shall be notarized by one authorized to administer oaths; and

(c) Be of good moral character; and

(d) Provide references from two reputable residents of the commonwealth who are not related to him and who have known him well for a period of not less than three years, attesting to his good character; and

(e) Pay the fees provided in Section 7, subsections (1) and (2); and

(f) Provide evidence satisfactory to the secretary that he meets the following requirements:

(i) Is a graduate of an accredited high school; or of an equivalent technical or vocational training or education program satisfactory to the secretary; or holds a G.E.D. certificate; provided, however, that all special local peace officers formally commissioned under KRS 61.360 and with unexpired commissions on December 31, 1974, shall be deemed to have met the requirements of this subsection; and

(ii) Has successfully completed not fewer than eighty hours of training in a program approved by the council and dealing comprehensively with the subjects of criminal law and the law of arrest, search and seizure; or has been employed as a full-time sworn public peace officer for a period of not less than one year within the past five years, and has never been discharged for cause from employment as a sworn public peace officer; or has successfully completed a written, oral and practical examination approved by the council and dealing comprehensively with the subject matter of criminal law and the law of arrest, search and seizure; and

(iii) Demonstrates, in written and practical examinations approved by the council, knowledge of and proficiency in firearms safety, range firing, and moral and legal aspects of firearms use, and first aid. Provided, however, that all special local peace officers formally commissioned under KRS 61.360 and with unexpired commissions on December 31, 1974 shall be deemed to have met the requirements of this subsections.

Section 6. A new section of KRS Chapter 61 is created to read as follows:

The secretary may, with the concurrence of the Attorney General and for good cause shown, waive the provisions of Section 5, subsections (1)(a), (1)(b), and (1)(d).

Section 7. A new section of KRS Chapter 61 is created to read as follows:

The following fees shall be required with respect to applications, examinations, and training for commissions:

(1) With the initial application, a fee of twenty-five dollars ($25);

(2) With applications for renewal, a fee of twenty-five dollars ($25);

(3) Prior to any written examination approved by the Kentucky Law Enforcement Council, a fee of fifteen dollars ($15);

(4) Prior to any practical examinations on firearms proficiency approved by the council, a fee of twenty dollars ($20); and

(5) Prior to any training program approved by the council for special law enforcement officers, a reasonable fee as determined by the secretary, to cover the cost of training;

(6) All funds received by the department as fees pursuant to this act shall be available for use by the secretary in administering the act's provisions.

Section 8. A new section of KRS Chapter 61 is created to read as follows:

The secretary shall revoke or suspend the commission of any special law enforcement officer whenever he shall determine:

(1) That the commission-holder does not meet, or no longer meets, the requirements and conditions for the commission; or

(2) That the commission-holder has falsified any application or portion thereof, or has made any knowingly false or misleading statement of a material fact to the secretary or any of his delegates, agents or officers; or

(3) That the commission-holder has violated: any provision of this act; or any rule, regulation or order of the secretary; or any law of the commonwealth or of the United States, the violation of which the secretary determines to bear a reasonable relationship to eligibility for the commission.

Section 9. A new section of KRS Chapter 61 is created to read as follows:

Any duly commissioned special law enforcement officer shall, while performing law enforcement duties upon the public property he is hired to protect, be empowered to arrest:

(1) Persons committing any misdemeanor in his presence upon the public property;

(2) Provided there exists probable cause to believe a felony has been committed upon the public property, any person whom the officer reasonably and actually believes to have committed such felony upon the public property.

Section 10. A new section of KRS Chapter 61 is created to read as follows:

Duly commissioned special law enforcement officers shall have the power to issue tickets for parking violations committed upon the public property in their presence and the power of peace officers under KRS 431.015 to issue citations for misdemeanors committed in their presence upon the public property.

Section 11. A new section of KRS Chapter 61 is created to read as follows:

If any duly commissioned special law enforcement officer is in hot pursuit of a person fleeing from public property after committing an act of theft, violence or destruction on the property, the officer shall be empowered to pursue and arrest the person. This power shall not apply to the pursuit of persons fleeing in vehicles after committing only traffic offenses.

Section 12. A new section of KRS Chapter 61 is created to read as follows:

A special law enforcement officer may, in the course of accomplishing any lawful arrest for a felony committed upon the public property as herein provided, use and apply that force, including deadly force, which he reasonably believes is necessary to make the arrest.

Section 13. A new section of KRS Chapter 61 is created to read as follows:

A special law enforcement officer may, in the course of accomplishing any lawful arrest for a criminal offense other than a felony committed upon the public property as herein provided, use and apply that force,

less than deadly force, which he reasonably believes necessary to make the arrest.

Section 14. A new section of KRS Chapter 61 is created to read as follows:

Nothing in this act shall be construed as being in derogation of the common law, or of any statute of the commonwealth, pertaining to:

(1) Arrest by a private citizen; or

(2) In any civil or criminal case, the affirmative defenses of self-defense, defense of others, or interruption of felony.

Section 15. A new section of KRS Chapter 61 is created to read as follows:

Duly commissioned special law enforcement officers shall have the right to use and operate public emergency vehicles in accordance with KRS 189.910 through 189.993.

Section 16. A new section of KRS Chapter 61 is created to read as follows:

Nothing in this act shall be construed as conferring upon commissioned special law enforcement officers any right or license to carry deadly weapons concealed from view.

Section 17. A new section of KRS Chapter 61 is created to read as follows:

All commissions issued by the Commonwealth of Kentucky to special local peace officers are revoked as of January 1, 1975, unless the commissions expire before that date. Special local peace officers with unexpired commissions may continue to exercise their powers until January 1, 1975. On and after January 1, 1975, individuals formerly commissioned as special local peace officers who wish to be commissioned as special law enforcement officers under this act must comply with all of the provisions of this act.

Section 18. KRS 42.055 is amended to read as follows:

The division of services, under the direction of the commissioner of finance, shall:

(1) Be responsible for the custody, management, operational maintenance and operation of all buildings and grounds owned or leased for the use of state departments and agencies located at the seat of state government, except buildings and grounds maintained for the exclusive use of any one (1) agency. This includes authority to *apply to the Secretary of the Department of Justice for the commissioning of designated persons under the Special Law Enforcement Officer Act, and to employ officers commissioned by the secretary under that act.* [employ guards and night watchmen, who shall have the powers of peace officers to enforce KRS 433.500.] It may, by agreement with any other department or agency of state government responsible for the operation and maintenance of buildings and grounds, provide custodial and maintenance services and may for rendering such services charge the reasonable costs thereof.

(2) Operate a mail and messenger service for all departments and agencies located at the seat of state government and shall handle all postage for such departments and agencies, so far as practicable, by postage meter, and may maintain a central supply service to supply supplies and equipment for all state agencies.

(3) Provide such duplicating, plate making and minor printing services to other state agencies as can practicably and economically be rendered by means of available types of office equipment.

(4) Perform such other duties and functions for which the department of finance is responsible as shall be delegated and assigned to the division by the commissioner of finance.

Section 19. KRS 433.500 is amended to read as follows:

(1) No person shall damage the old or new state capitol, or any of the state offices or office buildings; or damage or carry away the fencing, walls, gates, pavements, walks, trees, grass, shrubbery or any fixture on or around the capitols or state office buildings; or throw any missile or erect any nuisance thereon; or damage or carry away any equipment, furnishings or documents therein; or play any game, engage in any sport or any noisy or riotous conduct or lie drunk or asleep in or about the capitols or state office buildings, or in any way interfere with the quiet and orderly maintenance thereof.

[(2) The custodians and night watchmen designated by the Division of Services of the Department of Finance shall have the powers of peace officers to enforce this section and to arrest any person violating this section.]

(2)[(3)] Any person who violates this section shall be fined or imprisoned, or both, and shall also be liable in a civil action for double the amount of the damage done.

Section 20. A new section of KRS Chapter 61 is created to read as follows:

Any person who violates any of the provisions of this act shall be fined not more than two hundred and fifty dollars ($250) or imprisoned not more than ninety days, or both.

Section 21. KRS 61.360 is repealed.

Section 22. This act shall become effective on January 1, 1975.

The Committee Amendment No. 2 to **HB 454** is as follows:

Amend printed copy of House Bill 454 on page 2, line 16, to delete "public school district security officers"

and on page 4, line 9, following the word "act." to add the following: "This Act shall not authorize the appointment of and the Secretary shall not appoint, public school district security officers."

and on page 9, line 25, after the word "to" to add a colon ":" and to delete the remainder of the line; and on line 26, to delete the same

and on page 10, lines 1, 2, and 3, to delete the same and to insert in lieu thereof:

"(1) Issue parking tickets for parking violations committed upon the public property in their presence, provided however, the authority employing them must have statutory authority to limit or restrict such parking before such tickets may be issued.

(2) Exercise the power of peace officers under KRS 431.005 to make arrests for misdemeanors committed in their presence upon the public property or to issue citations for same pursuant to KRS 431.015."

and on page 10, lines 13 through 19, inclusive, to delete the same

and on page 10, line 20, to delete "Section 13." and to insert in lieu thereof "Section 12."

and on page 11, line 2, to delete "Section 14." and to insert in lieu thereof "Section 13."

and on page 11, line 11, to delete "Section 15." and to insert in lieu thereof "Section 14."

and on page 11, line 16, to delete "Section 16." and to insert in lieu thereof "Section 15."

and on page 11, line 22, to delete "Section 17." and to insert in lieu thereof "Section 16."

and on page 12, line 8, to delete "Section 18." and to insert in lieu thereof "Section 17."

and on page 13, line 17, to delete "Section 19." and to insert in lieu thereof "Section 18."

and on page 14, line 13, to delete "Section 20." and to insert in lieu thereof "Section 19."

and on page 14, line 19, to delete "Section 21." and to insert in lieu thereof "Section 20."

and on page 14, line 20, to delete "Section 22." and to insert in lieu thereof "Section 21."

HB 507, AN ACT relating to the disclaimer of transfers at death.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 394 is created to read as follows:
A person, or the representative of an incapacitated or protected person, who is an heir, next of kin, devisee, legatee, person succeeding to a disclaimed interest, beneficiary under a testamentary instrument, or appointee under a power of appointment exercised by a testamentary instrument, may disclaim in whole or in part the right of succession to any property or interest therein, including a future interest, by filing a written disclaimer under this Act. The right to disclaim does not survive the death of the person having it. The instrument shall (1) describe the property or interest disclaimed, (2) declare the disclaimer and extent thereof, and (3) be signed by the disclaimant.

Section 2. A new section of KRS Chapter 394 is created to read as follows:
(1) An instrument disclaiming a present interest shall be filed not later than six months after the death of the decedent or the donee of the power.

(2) An instrument disclaiming a future interest shall be filed not later than six months after the event that determines that the taker of the property or interest is finally ascertained and his interest indefeasibly vested.

(3) The disclaimer shall be filed in the county court of the county in which proceedings have been commenced for the administration of the estate of the deceased owner or deceased donee of the power or, if

they have not been commenced, in which they could be commenced. A copy of the disclaimer shall be delivered in person or mailed by registered or certified mail to any personal representative, or other fiduciary of the decedent or donee of the power. If real property or an interest therein is disclaimed, a copy of the disclaimer may be recorded in the office of the county clerk of the county in which the real estate is situated.

Section 3. A new section of KRS Chapter 394 is created to read as follows:

Unless the decedent or donee of the power has otherwise provided, the property or interest disclaimed devolves as if the disclaimant had predeceased the decedent or, if the disclaimant is designated to take under a power of appointment exercised by a testamentary instrument, as if the disclaimant had predeceased the donee of the power. A future interest that takes effect in possession or enjoyment after the termination of the estate or interest disclaimed takes effect as if the disclaimant had predeceased the decedent or the donee of the power. A disclaimer relates back for all purposes to the date of the death of the decedent or the donee of the power.

Section 4. A new section of KRS Chapter 394 is created to read as follows:

(1) The right to disclaim property or an interest therein is barred by (a) an assignment, conveyance, encumbrance, pledge, or transfer of the property or interest, or a contract therefor, (b) a written waiver of the right to disclaim, (c) an acceptance of the property or interest or benefit thereunder, or (d) a sale of the property or interest under judicial sale made before the disclaimer is effected.

(2) The right to disclaim exists notwithstanding any limitation on the interest of the disclaimant in the nature of a spendthrift provision or similar restriction.

(3) The disclaimer or the written waiver of the right to disclaim is binding upon the disclaimant or person waiving and all persons claiming through or under him.

Section 5. A new section of KRS Chapter 394 is created to read as follows:

This Act does not abridge the right of a person to waive, release, disclaim, or renounce property or an interest therein under any other statute.

Section 6. A new section of KRS Chapter 394 is created to read as follows:

An interest in property existing on the effective date of this Act as to which, if a present interest, the time for filing a disclaimer under this Act has not expired, or if a future interest, the interest has not become indefeasibly vested or the taker finally ascertained, may be disclaimed within six months after the effective date of this Act.

Section 7. A new section of KRS Chapter 394 is created to read as follows:

This Act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this Act among states enacting it.

Section 8. A new section of KRS Chapter 394 is created to read as follows:

This Act may be cited as the Uniform Disclaimer of Transfers by Will, Intestacy, or Appointment Act.

HB 616, AN ACT relating to cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 81 is created to read as follows:

Civil actions against a city of this state which is located in two or more counties shall be brought in the county in which the seat of government of the city is located.

HB 718, AN ACT providing for the creation of the position of Solicitor General for the General Assembly of the Commonwealth of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 6 is created to read as follows:

(1) There is hereby created the position of Solicitor General for the General Assembly of the Commonwealth of Kentucky.

(2) The Solicitor General shall be appointed by the Legislative Research Commission and his appointment shall be duly ratified by concurrent resolution of the House of Representatives and the Senate during the regular session of the General Assembly next succeeding his appointment. He shall be an attorney at law who has been licensed to practice law in the Commonwealth for at least eight years, and shall hold

office at the pleasure of the General Assembly. He shall serve a two year term to expire on the first legislative holiday in February during a regular session of the General Assembly. He shall receive a salary equal to that of the Attorney General of the Commonwealth of Kentucky. The Legislative Research Commission shall have exclusive jurisdiction over the employment of such personnel as may be necessary to effectuate the provisions of this Act.

(3) The Solicitor General shall be legal counsel for the General Assembly. He shall perform such duties as are prescribed by the General Assembly or any standing or interim committee thereof. He shall furnish legal opinions concerning legislative matters and governmental activities upon the written request of any member of the General Assembly or any standing or interim committee thereof. He shall, upon the written request of the General Assembly or either House thereof or any standing or interim committee thereof, commence, defend, or intervene in, any case, hearing, or proceeding in the name of or on behalf of the General Assembly, the House of Representatives, the Senate, or the Commonwealth of Kentucky. He shall defend any legislator in any case, hearing, or proceeding in which the legislator's actions in his official capacity are in issue. He may intervene in any case, hearing, or proceedings upon the request of any court of competent jurisdiction sitting within the Commonwealth.

(4) Nothing in this Act shall be deemed to limit the authority of the Attorney General of the Commonwealth of Kentucky as provided in the Kentucky Revised Statutes.

HB 726, AN ACT relating to choses in action.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 395.240 is amended to read as follows:

In actions for the settlement of decedents' estates, the court may direct the sale of choses in action, including judgments, and may authorize the personal representative to compromise claims growing out of contract or tort due the estate, as well as claims on contract or tort against the estate. A personal representative may compromise and settle any claim or demand for damages growing out of injury to or the death of the decedent. *A personal representative may compromise and settle any claim or demand growing out of disputed wills, whether probated or unprobated, with the approval of the circuit court.*

HB 747, AN ACT relating to judicial retirement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 21.425 is amended to read as follows:

In any circumstances in which a widow would be entitled to any allowance under KRS 21.420, but there is no widow or the widow subsequently dies, and there is a surviving [natural] child or children of the members under the age of 18, the monthly allowance that the widow would have received or was receiving shall be continued for the benefit of such child or children remaining under the age of 18 until there are none under the age of 18.

The Committee on Judiciary reported **HB 495,** with Committee Amendment No. 2 attached thereto, with the expression of opinion that the same should pass. Ordered delivered to the Committee on Rules.

The Committee Amendment No. 2 to **HB 495** is as follows:

Amend printed copy of House Bill 495 on page 1, line 12, by deleting the following "*last Saturday in July*" and inserting in lieu thereof the following: "*last Tuesday in July*"

The Speaker resumed the Chair.

Calendar

HB 634 with Committee Amendment attached thereto, **HB 638, HB 710** with Committee Amendment attached thereto, **HB 459** with Committee Substitute attached thereto, **HB 697, HR 60, SB 94, SB 150, SB 152, SB 153 53, SB 154, SB 155, SB 185, SB 222, SB 206,** with Committee Amendment and Committee Substitute attached thereto, **HB 92** with Committee Amendment attached thereto, **HB 32, HB 38, HB 698, HB 714, HB 739, HB 17, HB 668** with Committee Substitute attached thereto, **HB 712, HR 66, SR 1, HB 223** with Committee Substitute attached thereto, **HB 565, HB 573, HB 633, HB 635, HB 636, HB 675** with Committee Substitute attached thereto, **HB 699, HB 722, HB 723, HB 539, HB 400** with Committee Amendment attached thereto, **HB 492, HB 652, SB 37** with Committee Amendment attached thereto, **HB 557, HB 506** with Committee Amendment attached thereto, and **HB 564** taken from the Calendar and ordered read at length for the second time. Representative Swinford moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Senate Message

Announcing passage of **SB 57, SB 72, SB 166, SB 183, SB 223, SB 247, SB 250, SB 252, SB 274, SB 278, SB 280, SB 281, SB 287, SB 295, SB 298, HB 40, HB 169, HB 240** with Committee Amendment attached thereto, **HB 271, HB 385.**

Motions, Petitions and Communications

Representative Foster moved the adoption of the following Legislative Citation No. 44:

The House of Representatives of the Commonwealth of Kentucky hereby honors Robert E. Stevenson as an outstanding citizen of this Commonwealth and of the City of Russellville. This body recognizes and applauds the contributions Mr. Stevenson has made in the field of education, in the Methodist Church as a leader on the local and conference levels, and in civic affairs as a member and past-president of the Rotary Club and a member of the Chamber of Commerce. Mr. Stevenson's able leadership as Superintendent for twenty-four years has brought the Russellville School System through extensive building and remodeling, and during its growth he has guided the expansion of the curriculum and enrichment programs for all levels of students so that Russellville can be justly proud of the quality of education its children receive. His leadership ability is also evidenced by offices Mr. Stevenson has held. (Sponsored by Representative Foster)

Agreed.

Representative Priddy filed the following Discharge Petition for **HCR 29:**

DISCHARGE PETITION

Pursuant to House Rule 47 of the 1974 Regular Session of the Kentucky General Assembly, the following regularly elected and qualified members of the House hereby request that **HCR 29,** be discharged from the Committee on Judiciary, to which it was referred by the Committee on Committees on March 6, 1974, for consideration by the House as provided in the said rule.

1. Robert Hughes
2. Dottie Priddy
3. Arthur L. Schmidt
4. Louis R. Guenthner
5. Al Bennett
6. Richard Chandler
7. Edward L. Holloway
8. James B. Yates
9. Archie N. Romines, Sr.
10. James R. Dunn
11. Thomas Burch
12. Virgil Pearman
13. John R. Turner
14. Mark D. O'Brien
15. M. B. Denham
16. George E. Stewart
17. Leonard Hislope
18. Clay Gay
19. Sam Brewer, Jr.
20. L. T. Hardin
21. C. M. Sharpe
22. John Hurst
23. Herman Rattliff
24. Terry L. Mann
25. Sam H. Watkins

This petition dated March 8, 1974.

Representative Reynolds moved the adoption of the following **HR 81:**

HR 81, A RESOLUTION requesting and petitioning Rogers Morton (Secretary - U.S. Department of Interior) to extend the March 30, 1974 deadline requiring all mines to use permissible equipment designated by the Coal Mine Health and Safety Act of 1969, and request the U.S. Congress to conduct an in-depth study of the gassy-nongassy status of Kentucky mines.

WHEREAS, the required permissible equipment will not be avilable for 10 months to 2 1/2 years; and

WHEREAS, hundreds of Kentucky deep mines with over 4,000 employes will be put out of business unless the extension is granted; and

WHEREAS, the potential loss of millions of tons of coal presents another problem for the present energy crisis; and

WHEREAS, leading authorities have raised serious questions about the validity of the gassy-nongassy provisions of the federal Coal Mine Health and Safety Act of 1969;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That Rogers Morton, Secretary of the Interior, is hereby requested and petitioned to extend the March 30, 1974 deadline on the requirement of permissible equipment in all mines be extended until said equipment can be obtained, and the U.S. Congress is hereby requested to make an in-depth study of the gassy-nongassy status of Kentucky mines.

Section 2. A copy of this resolution shall be sent to the Secretary of Interior and every member of the Kentucky Congressional delegation.

On the roll call the vote was yeas 87-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Harris, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, McBee, McBrayer, McBride, McGill, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Whitfield, Wible, Yates. Nays 0.

HR 81 was adopted.

Representative Reynolds moved that a call of the roll be taken to show co-sponsors of **HR 81.** Agreed.

The following members voted to co-sponsor **HR 81:** Representatives Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, Bruce, Burch, Chandler, Clarke, Crupper, Davis, Dawahare, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Harris, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Lindsay, Louden, Mann, Mason, McBee, McBride, McGill, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stewart, Stone, Thomas, Troop, Turner, Van Horn, Vincent, Whitfield, Yates.

Representative Quickert moved that **SB 188** be reassigned to the Committee on Business Organizations and Professions. Agreed.

Orders of the Day

Representative Swinford moved that consideration of **HB 386, HB 96** with Committee Amendment attached thereto, **HB 397, HB 640, HJR 24, HB 537, HB 487** with Committee Amendment attached thereto, be deferred and that they retain their position in Orders of the Day. Agreed.

HB 576 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Dietz moved that **HB 576** be placed upon its passage.

On the roll call the vote was yeas 81-Adams, Allen, Arnold, Bennett, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Harris, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mason, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Whitfield, Yates. Nays 2-Benson, Richardson.

HB 576 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 576** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 655** be deferred that it retain its position in Orders of the Day. Agreed.

HJR 44 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Beshear moved the adoption of the following Floor Amendment No. 2 to **HJR 44:**

Amend printed copy of House Joint Resolution 44 on page 1, delete lines 2, 3, 4, 5, 6 and 7. In lieu thereof insert: "That the Athletic Departments of the various state colleges and universities of the Commonwealth of Kentucky immediately begin negotiations which may lead to the scheduling of each other annually."

Representative J. White moved that Floor Amendment No. 2 to **HJR 44** be laid on the table.

Representative Stephens moved that the House recess for ten minutes.

On the roll call the vote was yeas 18-Allen, Blythe, Dawahare, DeMarcus, Freeman, Gay, Guenthner, Hancock, Kenton, Kleier, McBrayer, Schmaedecke, Stephens, Troop, Turner, Watkins, G. White, J. White. Nays 59-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Bruce, Burch, Chandler, Crupper, Davis, Denham, Dietz, Dunn, Foster, Givhan, Harris, Head, Hellard, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, King, Lewis, Little, Louden, Mason, McBee, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmidt, Sharpe, Smith, Stewart, Stone, Swinford, Van Horn, Vincent, Whitfield, Wible, Yates.

The motion that the House recess was rejected.

On the roll call the vote was yeas 41-Beshear, Blandford, Brewer, R. Brown, Bruce, Burch, Crupper, Denham, Foster, Freeman, Gay, Hancock, Hardin, Hislope, Holbrook, Hopkins, Kafoglis, King, McBee, McGill, Overstreet, Pearman, Rattliff, Richardson, Robinson, Sale, Schmaedecke, Sharpe, Siemens, Stephens, Stewart, Stone, Swinford, Troop, Van Horn, Watkins, Wells, G. White, J. White, Whitfield, Wible. Nays 33-Allen, Bennett, Benson, Blume, Blythe, Chandler, Davis, DeMarcus, Donnermeyer, Dunn, Graves, Guenthner, Harris, Head, Hellard, Holloway, Karem, Kenton, Lewis, Little, Mann, Mason, McBride, Nett, O'Brien, Paxton, Priddy, Quickert, Reynolds, Romines, Schmidt, Thomas, Yates.

The motion that Floor Amendment No. 2 to **HJR 44** be laid on the table was adopted.

Representative Swinford moved that consideration of **HR 63** be deferred and that it retain its position in Orders of the Day. Agreed.

SB 29, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Arnold moved the adoption of Committee Amendment No. 1 to **SB 29.** Agreed.

Representative Bruce moved the adoption of the following Floor Amendment No. 3 to **SB 29:**

Amend printed copy of Senate Bill 29 on page 1, line 7, by striking the "." and substituting the following: "; except, the payment may be delayed longer than three banking days if the stockyard and the purchaser of livestock agree in writing."

Representative Bruce moved that **SB 29** as amended be placed upon its passage.

On the roll call the vote was yeas 71-Adams, Arnold, Bennett, Benson, Blandford, Blume, Blythe, Brewer, Chandler, Clapp, Clarke, Crupper, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hislope, Hopkins, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lewis, Lindsay, Little, Mann, Mason, McBee, McBrayer, McBride, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stewart, Stone, Swinford, Thomas, Turner, Vincent, Watkins, Wells, G. White, Wible, Yates. Nays 14-Allen, Beshear, R. Brown, Davis, Guenthner, Holbrook, Holloway, Hughes, May, Robinson, Stephens, Troop, Van Horn, Whitfield.

SB 29 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 29** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **HB 288.**

Orders of the Day (continued)

HB 68, by way of Committee Substitute as amended, taken from Orders of the Day. Representative Swinford moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative Blythe moved the adoption of the following Floor Amendment No. 5 to **HB 68:**

Amend printed copy of Committee Substitute for House Bill 68 on page 3, following line 7, by adding the following:

"*(8) "Labor union," means any organization of any kind, or any agency or employe representation committee or plan in which employes participate and which exists for the purpose, in whole or in part of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.*"

and on page 15, following line 19, insert the following:

"Section 9. KRS 123.010 is amended to read as follows:

No corporation, and no officer or agent of a corporation on its behalf *and no labor union*, shall contribute, either directly or indirectly, any money, service or other thing of value towards the nomination or election of any state, county, city or district officer, or pay, promise, loan or become pecuniarily liabile in any way for any money or other valuable thing on behalf of any candidate for office at any election, primary or nominating convention held in this state. No attorney or other person shall accept employment and compensation from a corporation with the understanding or agreement, either direct or implied, that he will contribute to any such candidate, or on his behalf, any part or all of such compensation, towards the

nomination or election of such candiate.

Section 10. KRS 123.020 is amended to read as follows:

(1) No corporation organized or authorized to do business in this state *and no labor union* shall, by itself or by or through an officer, agent, attorney or employe, subscribe, give procure or furnish, or afterwards reimburse or compensate in any way any person who has subscribed, given, procured or furnished, any money, privilege, favor or other thing of value to any political or quasi-political organization, or any officer or member thereof, to be used by such organization for any purpose whatever.

(2) No officer, agent, attorney or employe of any corporation organized or authorized to do business in this state, or person acting for or representing any such corporation, *and no labor union* shall disburse, distribute, pay out or in any way handle any money, funds or other thing of value that belongs to or has been or is being furnished by any such corporation or any officer, agent, attorney or employe thereof to be used or employed in any way for the purpose of aiding, assisting or advancing the cause of any political or quasi-political organization or of any candidate for public office in any way whatever."

On the roll call the vote was yeas 19-Allen, Blythe, DeMarcus, Denham, Freeman, Gay Guenthner, Hislope, Holbrook, Holloway, Hopkins, Karem, Overstreet, Rattliff, Robinson, Schmaedecke, Schmidt, Stephens, Stone. Nays 63-Bennett, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hardin, Harris, Head, Hellard, Hughes, Hurst, Imes, Isler, Kafoglis, Kenton, King, Lewis, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Reynolds, Richardson, Romines, Sharpe, Siemens, Smith, Stewart, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates.

The Floor Amendment No. 5 to **HB 68** was rejected.

Representative Lindsay moved the adoption of the following Floor Amendment No. 4 to **HB 68:**

Amend printed copy of Committee Substitute for House Bill 68 on page 13, line 9 by striking "["

and on page 13, line 11 by striking "] *he shall continue*"

and on page 13, line 12 by striking "["

and on page 13, line 14 by striking "]"

On the roll call the vote was yeas 31-Allen, Arnold, Bennett, Brewer, Clapp, DeMarcus, Denham, Dunn, Foster, Freeman, Gay, Hardin, Harris, Head, Hislope, Hurst, Lindsay, Little, Louden, May, McBee, Pearman, Rattliff, Robinson, Sharpe, Siemens, Smith, Turner, Van Horn, J. White, Yates. Nays 55-Adams, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Bruce, Burch, Chandler, Clarke, Davis, Dietz, Donnermeyer, Givhan, Graves, Guenthner, Hellard, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lewis, Mann, Mason, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Paxton, Quickert, Reynolds, Richardson, Schmaedecke, Schmidt, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Vincent, Watkins, G. White, Whitfield, Wible.

The Floor Amendment No. 4 to **HB 68** was rejected.

Representative Kafoglis moved that **HB 68,** by way of Committee Substitute as amended, be placed upon its passage.

On the roll call the vote was yeas 84-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Burch, Chandler, Clarke, Davis, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Harris, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Mason, May, McBee, McBrayer, McBride, McGill, Morgan Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Sharpe Siemens, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, G. White, J. White, Whitfield, Wible, Yates. Nays 5-Allen, Clapp, Denham, Little, Roberts.

HB 68, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative Kafoglis moved that the vote by which **HB 68,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 190, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lewis moved the adoption of the Committee Substitute for **HB 190.**

On the roll call the vote was yeas 66-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, Burch, Chandler, Clarke, Crupper, Davis, Dawahare, Denham, Dietz, Dunn, Freeman, Gay, Givhan, Guenthner, Hancock, Harris, Head, Hellard, Hopkins, Isler, Kafoglis, Kenton, Kidd, King, Lewis, Lindsay, Little, Louden, Mann, Mason, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Overstreet, Paxton, Pearman, Priddy, Quickert, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stephens, Stewart, Stone, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible. Nays 13-Allen, Blythe, DeMarcus, Hislope, Holbrook, Hughes, Imes, Karem, Nett, Rattliff, Robinson, Smith, G. White.

The Committee Substitute for **HB 190** was adopted.

Representative Lewis moved that **HB 190,** by way of Committee Substitute, be placed upon its passage.

Representative Imes moved the adoption of the following Floor Amendment No. 1 to **HB 190:**

Amend printed copy of Committee Substitute for House Bill 190 on pages 1, 2, and 3, by striking out lines 1 through 20 on page 1, and striking out lines 1 through 26 on page 2, and striking out lines 1 through 21 on page 3, and substituting in lieu thereof the following:

"Section 1. KRS 189.520 is amended to read as follows:

(1) No person under the influence of intoxicating beverages or any drug which may impair one's driving ability shall operate a vehicle that is not a motor vehicle anywhere in this state.

(2) No person shall operate a motor vehicle anywhere in this state while under the influence of intoxicating beverages or any drug which may impair one's driving ability.

(3) No peace officer or state police officer shall fail to enforce rigidly this section.

(4) In any criminal prosecution for a violation of subsections (1) and (2) of this section, wherein the defendant is charged with having operated a vehicle while under the influence of intoxicating beverages, the amount of alcohol in the defendant's blood as determined at the time of making a chemical analysis of his blood, urine, breath or other bodily substance, shall give rise to the following presumptions:

(a) If there was 0.05 per cent (5/100%) or less by weight of alcohol in such blood, it shall be presumed that the defendant was not under the influence of intoxicating beverages;

(b) If there was more than 0.05 per cent (5/100%), but less than 0.10 per cent by weight of alcohol in such blood, such fact shall not constitute a presumption that the defendant either was or was not under the influence of intoxicating beverages, but such fact may be considered, together with other competent evidence, in determining the guilt or innocence of the defendant:

(c) If there was 0.10 per cent (1/10%) or more by weight of alcohol in such blood, it shall be presumed that the defendant was under the influence of intoxicating beverages.

(5) The provisions of subsection (4) of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the defendent was under the influence of intoxicating beverages [.], *but in no case shall the charge of violating this section be amended or reduced to a lesser charge.*

(6) No person may be compelled to submit to any test specified in subsection (4) of this section, but his refusal to submit to such test shall result in revocation of his license as provided in KRS 186.565 (3).

(7) Only a physician, registered nurse or qualified medical technician, duly licensed in Kentucky, acting at the request of the arresting officer can withdraw any blood of any person submitting to a chemical test under this section or KRS 186.565.

(8) The person tested shall be permitted to have a duly licensed physician of his own choosing administer a chemical test in addition to the one administered at the direction of the police officer."

and on page 6 and 7, by striking out lines 21 through 26 on page 6, and by striking out lines 1 and 2 on page 7, and substituting therefor the following:

"(9) (a) Any person who violates subsection (2) of KRS 189.520 shall be fined, for the first offense, *$200; for the second offense, a fine of $500.00 and imprisoned five days in jail; for the third offense, a fine of $1,000.00 and imprisoned thirty days in jail,* [not less than $100 nor more than $500,] and for each subsequent offense he shall be fined *$1,000* [not less than $100 nor more than $500] and imprisoned for [not more than] six (6) months."

Rejected.

On the roll call the vote was yeas 67-Arnold, Benson, Beshear, Blandford, Blume, Brewer, Burch, Chandler, Clarke, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Freeman, Gay, Givhan, Guenthner, Hancock, Hardin, Harris, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Mann, Mason, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Paxton, Pearman, Priddy, Quickert, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Stone, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, Whitfield, Wible. Nays 11-Allen, Davis, DeMarcus, Hughes, Imes, Little, Rattliff, Robinson, Smith, G. White, J. White.

HB 190, by way of Committee Substitute, was passed and the title agreed to.

Representative Lewis moved that the vote by which **HB 190,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 220 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kidd moved that **HB 200** be placed upon its passage.

Representative Van Horn moved the adoption of the following Floor Amendment No. 1 to **HB 220:**

Amend printed copy of House Bill 220 on page 1, line 3, following the word "*January*", by deleting "*(Martin Luther King Day)*" and inserting in lieu thereof "*(Civil Rights Day in honor of Louis Brandeis, Ralph Bunch, Dwight D. Eisenhower, John Marshall Harlan, Lyndon B. Johnson, John F. Kennedy, Martin Luther King and Whitney Young)*";

and on page 2, lines 10 and 11, by deleting "*(Martin Luther King Day)*" and inserting in lieu thereof "*(Civil Rights Day)*".

On the roll call the vote was yeas 20-Allen, Brewer, Davis, Dawahare, DeMarcus, Freeman, Gay, Guenthner, Hardin, Holbrook, Hopkins, Hughes, Hurst, Imes, Little, Robinson, Sharpe, Stone, Turner, Van Horn. Nays 29-Benson, Beshear, Blume, Blythe, Bruce, Burch, Clarke, Donnermeyer, Isler, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Lindsay, Mann, Mason, McBee, McBride, McGill, Overstreet, Priddy, Reynolds, Schmidt, Siemens, Swinford, Thomas, Wible.

The Floor Amendment No. 1 to **HB 220** was rejected.

Representative Turner moved that **HB 220** be laid on the Clerk's desk.

On the roll call the vote was yeas 15-Allen, DeMarcus, Freeman, Gay, Guenthner, Hardin, Hislope, Hughes, Hurst, Little, Robinson, Sharpe, Stone, Turner, Van Horn. Nays 44-Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bruce, Burch, Chandler, Clarke, Davis, Denham, Donnermeyer, Dunn, Givhan, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis Lindsay, Mann, Mason, McBee, McBrayer, McBride, McGill, Nett, Overstreet, Paxton, Priddy, Quickert, Reynolds, Sale, Schmidt, Siemens, Swinford, Thomas, Whitfield, Wible, Yates.

The motion that **HB 220** be laid on the Clerk's desk was rejected.

On the roll call the vote was yeas 53-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Bruce, Burch, Clark, Crupper, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Harris, Head, Hellard, Holbrook, Hopkins, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Mann, Mason, McBee, McBride, McGill, Morgan, O'Brien, Overstreet, Paxton, Quickert, Reynolds, Sale, Siemens, Swinford, Thomas, Troop, Van Horn, G. White, Whitfield, Wible, Yates. Nays 7-Allen, Chandler, Hughes, Robinson, Schmidt, Stewart, Turner.

HB 220 was passed and the title agreed to.

Representative Kidd moved that the vote by which **HB 220** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Recess

Representative Swinford moved that the House recess until 1:15 P.M. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (continued)

HB 353, with Committee Amendment attached thereto, taken from Orders of the Day an ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the Committee Amendment to **HB 353.** Agreed.

Representative Lewis moved that **HB 353** as amended be placed upon its passage.

On the roll call the vote was yeas 59-Adams, Allen, Arnold, Bennett, Beshear, Blandford, Blume, R. Brown, Bruce, Burch, Clapp, Clarke, Davis, Denham, Donnermeyer, Foster, Givhan, Graves, Hancock, Harris, Head, Hellard, Holbrook, Hopkins, Imes, Isler, Kafoglis, Kenton, Kidd, Lewis, Louden, Mann, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, Overstreet, Paxton, Quickert, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, J. White, Wible, Yates. Nays 0.

HB 353 as amended was passed and the title agreed to.

Representative Lewis moved that the vote by which **HB 353** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 426** and **HB 546** be deferred and that they retain their position in Orders of the Day. Agreed.

HB 552 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Reynolds moved that **HB 552** be placed upon its passage.

On the roll call the vote was yeas 69-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Bruce, Burch, Clarke, Crupper, Davis, Dawahare, DeMarcus, Donnermeyer, Dunn, Foster, Freeman, Gay, Hancock, Hardin, Harris, Hellard, Holbrook, Hopkins, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, Overstreet, Paxton, Priddy, Quickert, Rattliff, Reynolds, Robinson, Romines, Sale, Schmaedecke, Sharpe, Siemens, Smith, Stone, Thomas, Troop, Turner, Van Horn, Vincent Watkins, Wells, G. White, J. White, Whitfield, Wible, Yates. Nays 16-Allen, Chandler, Clapp, Denham, Givhan, Graves, Guenthner, Head, Holloway, Hughes, Imes, Lewis, O'Brien, Richardson, Stephens, Swinford.

HB 552 was passed and the title agreed to.

Representative Reynolds moved that the vote by which **HB 552** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 588 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative King moved the adoption of the following Floor Amendment No. 1 to **HB 588:**

Amend printed copy of House Bill 588, on page 2, lines 24, 25, and 26 and on page 3, lines 1, 2, 3, and 4 by striking subsection (f) in its entirety and by substituting the following in lieu thereof:

(f) In addition to providing treatment for tuberculosis, accept and treat patients having other diseases and illnesses insofar as permitted by available facilities not fully utilized in the treatment of tuberculosis patients. Treatment authorized by this subsection may be provided on a contractural basis with any other legal entity which, in the opinion of the governing board of the district, will serve the best interests of the public.

Agreed.

Representative King moved that **HB 588** as amended be placed upon its passage.

On the roll call the vote was yeas 61-Benson, Blandford, Blume, Blythe, Bruce, Burch, Chandler, Clapp, Clarke, Davis, DeMarcus, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Harris, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Isler, Kidd, King, Kleier, Lindsay, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Paxton, Priddy, Richardson, Romines, Sale, Schmaedecke, Sharpe, Siemens, Stephens, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Wible. Nays 1-Karem.

HB 588 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 588** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 622 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Paxton moved that **HB 622** be placed upon its passage.

On the roll call the vote was yeas 74-Adams, Allen, Arnold, Benson, Beshear, Blandford, Blume, Blythe, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Harris, Head, Hellard, Holbrook, Holloway, Hopkins, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Paxton, Priddy, Quickert, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Whitfield, Wible. Nays 0.

HB 622 was passed and the title agreed to.

Representative Swinford moved that consideration of **HB 648** and **HB 672** be deferred and that they retain their position in Orders of the Day. Agreed.

HB 702 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hopkins moved that **HB 702** be placed upon its passage.

Representative Reynolds moved that **HB 702** be laid on the table.

On the roll call the vote was yeas 15-Blume, Burch, Chandler, Foster, Freeman, Gay, Harris, McBee, McBride, Priddy, Reynolds, Richardson, Smith, Swinford, Watkins. Nays 50-Adams, Arnold, Benson, Beshear, Blandford, Blythe, Clarke, Davis, Dawahare, DeMarcus, Dunn, Givhan, Graves, Guenthner, Hellard, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lindsay, Louden, Mann, Mason, McBrayer, Morgan, Nett, O'Brien, Paxton, Rattliff, Robinson, Romines, Sale, Schmaedecke, Schmidt, Stephens, Thomas, Troop, Van Horn, Vincent, Wells, G. White, Whitfield, Wible.

The motion that **HB 702** be laid on the table was rejected.

On the roll call the vote was yeas 66-Bennett, Benson, Beshear, Blandford, Blume, Blythe, Chandler, Clarke, Crupper, Davis, Dawahare, DeMarcus, Donnermeyer, Dunn, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Lindsay, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Paxton, Priddy, Quickert, Rattliff, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stone, Thomas, Troop, VanHorn, Vincent, Wells, G. White, Whitfield, Wible. Nays 7-Burch, Foster, Reynolds, Richardson, Swinford, Turner, Watkins.

HB 702 was passed and the title agreed to.

Representative Hopkins moved that the vote by which **HB 702** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **SB 205, SB 306, SB 285, SB 297, SB 305, SB 216, SB 296, SB 273, SB 269, SB 234, SB 225, SB 224, HB 238, HB 30, HB 618, HB 514, HB 377, HB 95, HB 362, HB 354,** and **HB 367.**

Report on Enrolled Bills

The Committee on Enrollment reported **HB 40, HB 169, HB 271, HB 288** and **HB 385** had been examined and found correctly enrolled. **HB 40, HB 169, HB 271, HB 288,** and **HB 385** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 40, HB 169, HB 271, HB 288, and **HB 385** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (continued)

HR 53 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of **HR 53.**

On the roll call the vote was yeas 70-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Harris, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Nett, O'Brien, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stone, Swinford, Thomas, Troop, VanHorn, Vincent, Wells, Wible. Nays 0.

HR 53 was adopted and the title agreed to.

Representative Swinford moved that the vote by which **HR 53** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

SR 16 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hellard moved the adoption of **SR 16.**

On the roll call the vote was yeas 67-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Harris, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Nett, Paxton, Priddy, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Siemens, Smith, Stephens, Stone, Swinford, Thomas, VanHorn, Vincent, Wells, Wible. Nays 0.

SR 16 was adopted and the title agreed to.

Representative Swinford moved that the vote by which **SR 16** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

HB 319, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the Committee Amendment to **HB 319.** Agreed.

Representative Burch moved that **HB 319** as amended be placed upon its passage.

On the roll call the vote was yeas 65-Adams, Arnold, Bennett, Benson, Blandford, Burch, Chandler, Crupper, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Holbrook, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Lindsay, Louden, Mann, Mason, McBee, McBrayer, McBride, McGill, Nett, O'Brien, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stone, Swinford, Thomas, Troop, VanHorn, Vincent, Watkins, Wells, G. White, J. White, Wible. Nays 7-Davis, Harris, Hellard, Holloway, Morgan, Rattliff, Stephens.

HB 319 as amended was passed and the title agreed to.

Representative Burch moved that the vote by which **HB 319** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Speaker Pro Tempore presiding.

HB 19 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the Committee Substitute for **HB 19.** Agreed.

Representative Blandford moved that **HB 19,** by way of Committee Substitute, be placed upon its passage.

On the roll call the vote was yeas 75-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, McBee, McBrayer, McBride, McGill, Morgan, Nett, Overstreet, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stone, Swinford, Thomas, Troop, VanHorn, Vincent, Watkins, Wells, G. White, Whitfield, Wible. Nays 0.

HB 19, by way of Committee Substitute, was passed and the title agreed to.

Representative Blandford moved that the vote by which **HB 19,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 232,** with Committee Substitute attached thereto, and **HB 320** be deferred and that they retain their position in Orders of the Day. Agreed.

HB 348, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Quickert moved the adoption of the Committee Substitute for **HB 348.** Agreed.

Representative Quickert moved that **HB 348,** by way of Committee Substitute, be placed upon its passage.

On the roll call the vote was yeas 63-Arnold, Bennett, Benson, Beshear, Blandford, Blythe, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Head, Hellard, Holbrook, Hopkins, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Nett, Overstreet, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Swinford, Thomas, Troop, VanHorn, Vincent, Watkins, Wible. Nays 6-Adams, Gay, Guenthner, Smith, Stephens, Stone.

HB 348, by way of Committee Substitute, was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 348,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 392 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved that **HB 392** be placed upon its passage.

On the roll call the vote was yeas 72-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blythe, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Hopkins, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, Overstreet, Paxton, Priddy, Quickert, Rattliff, Reynolds, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stone, Swinford, Troop, VanHorn, Vincent, Watkins, Wells, Whitfield, Wible. Nays 0.

HB 392 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 392** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 403 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved that **HB 403** be placed upon its passage.

On the roll call the vote was yeas 72-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blythe, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hardin, Harris, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kidd, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Reynolds, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, Wells, J. White, Whitfield, Wible. Nays 4-Hancock, Hurst, Stone, G. White.

HB 403 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 403** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 477** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 515, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Chandler moved the adoption of the Committee Substitute for **HB 515.** Agreed.

Representative Chandler moved that **HB 515,** by way of Committee Substitute, be placed upon its passage.

On the roll call the vote was yeas 70-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blythe, R. Brown, Burch, Chandler, Clapp, Davis, Dawahare, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Harris, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, King, Lewis Lindsay, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Siemens, Stephens, Stone, Swinford, Thomas, Van Horn, Vincent, Watkins, Wells, J. White, Whitfield, Wible. Nays 7-Clarke, Denham, Hancock, Kidd, Sharpe, Troop, G. White.

HB 515, by way of Committee Substitute, was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 515,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 538 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Thomas moved that **HB 538** be placed upon its passage.

On the roll call the vote was yeas 77-Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blythe, R. Brown, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Hancock, Hardin, Harris, Head, Hellard, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Lindsay, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stone, Swinford, Troop, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible. Nays 2-DeMarcus, Smith.

HB 538 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 538** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker resumed the Chair.

HB 589 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Paxton moved that **HB 589** be placed upon its passage.

Representative Richardson moved that **HB 589** be laid on the Clerk's desk. Rejected.

On the roll call the vote was yeas 71-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Burch, Chandler, Clarke, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hardin, Harris, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Reynolds, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Troop, Van Horn, Watkins, Wells, G. White, J. White, Whitfield, Wible. Nays 6-Freeman, Gay, Richardson, Robinson, Stone, Vincent.

HB 589 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 589** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 590 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved the adoption of the following Floor Amendment No. 1 to **HB 590:**

Amend printed copy of House Bill 590 on page 1, line 17 by deleting lines 17, 18, and 19 in their entirety, and inserting the following in lieu thereof:

"(2) At no time shall a person who is not involved with a patient's diagnosis and treatment obtain the patient's permission to release psychiatric information until the patient states that he understands the nature of the information to be obtained and the possible results of the disclosure of that information."

and on page 2, by deleting lines 1 through 4 in their entirety.

Agreed.

Representative Clarke moved that **HB 590** as amended be placed upon its passage.

On the roll call the vote was yeas 64-Arnold, Bennett, Benson, Blandford, Blume, R. Brown, Burch, Chandler, Clarke, Denham, Donnermeyer, Dunn, Foster, Graves, Guenthner, Hardin, Harris, Head, Hellard, Holbrook, Holloway, Hopkins, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Louden, Mann, Mason, May, McBee, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Priddy, Quickert, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Swinford, Thomas, Troop, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible. Nays 7-Beshear, Hughes, Lindsay, McBrayer, Stephens, Stone, Van Horn.

HB 590 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 590** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 605** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 671 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Louden moved that **HB 671** be placed upon its passage.

On the roll call the vote was yeas 71-Arnold, Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Burch, Davis, Dawahare, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Harris, Head, Hellard, Holbrook, Hopkins, Hughes, Hurst, Imes Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Overstreet, Paxton, Priddy, Quickert, Reynolds, Richardson, Romines, Sale, Schmidt, Sharpe, Siemens, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Wible. Nays 0.

HB 671 was passed and the title agreed to.

Representative Louden moved that the vote by which **HB 671** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 679, HB 708, HB 750,** and **SB 45** be deferred and that they retain their position in Orders of the Day. Agreed.

SB 90 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Watkins moved that **SB 90** be placed upon its passage.

On the roll call the vote was yeas 69-Arnold, Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Harris, Head, Hellard, Holbrook, Hopkins, Hughes, Imes, Isler, Karem, Kidd, King, Lewis, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Overstreet, Paxton, Priddy, Quickert, Rattliff, Romines, Sale, Schmaedecke, Sharpe, Siemens, Smith, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible. Nays 2-Lindsay, Richardson.

SB 90 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 90** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 117, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mann moved the adoption of the Committee Amendment to **SB 117.** Agreed.

Representative Kafoglis moved that **SB 117** as amended be placed upon its passage.

On the roll call the vote was yeas 63-Arnold, Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Burch, Chandler, Clarke, Davis, Dawahare, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Hellard, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Overstreet, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stephens, Stone, Swinford, Thomas, Van Horn, Vincent, G. White, J. White, Wible. Nays 8-Clapp, DeMarcus, Head, Hurst, Lindsay, Morgan, Siemens, Smith.

SB 117 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 117** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Announcements

Representative Swinford moved that when the House adjourns, it do so until 3:00 P.M. on March 11, 1974. Agreed.

Representative Swinford moved that when the House adjourns, it do so by voice vote. Agreed.

Representative Swinford moved that the Rules be suspended for action on Legislative Citations. Agreed.

Representative Givhan moved the adoption of the following Legislative Citation No. 42:

The House of Representatives of the Commonwealth of Kentucky hereby honors T. L. Cook for his loyal service as County Court Clerk of Bullitt County for forty-one years. This body commends Mr. Cook, a loyal Democrat, for his dedication in serving the public, evidenced by the fact he ran unopposed in the primary each year he sought office and was honored by a T. L. Cook Day when he chose to retire. This body extends best wishes to T. L. Cook for the future. (Sponsored by Representative Givhan)

Agreed.

Representative Givhan moved the adoption of the following Legislative Citation No. 43:

The House of Representatives of the Commonwealth of Kentucky hereby honors Miss Susan Tichenor as an outstanding young citizen of this Commonwealth and extends to her congratulations on her selection as the 1974 Kentucky Dairy Princess. This body extends best wishes to Miss Tichenor in her representation of the dairy industry during the ensuing year. (Sponsored by Representative Givhan)

Agreed.

Representative Swinford moved that the rules be suspended for the purpose of members' announcement concerning changes of votes and co-sponsoring of Bills and Resolutions. Agreed.

The following members requested that they be recorded as voting as follows:

Representative Guenthner, "no" on **HB 588;** Representative Foster, "yes" on **HB 190;** Representative Stone, "yes" on **HB 399;** Representative Dawahare, "yes" on **HB 125;** Representative Kleier, "yes" on **HB 579;** Representative J. White, "yes" on **HB 9;** Representative Mann, "yes" on **HB 68;** Representative Wible, "yes" on **HB 441, HB 576;** Representative Guenthner, "yes" on **HB 588;** Representative Hughes, "yes" on **HB 579;** Representative Priddy, "yes" on **HB 368;** Representative McBride, "yes" on **HB 414** c/a, **HB 443, HB 491** c/a, **HB 603, HB 608, HB 639** c/s, **HB 650, HCR 50, SB 112, SB 172, HB 26** s/a.

The following members requested that their names be added as co-sponsors to Bills and Resolutions:

Representative Beshear, **HB 14, HB 22, HB 68, HB 100, HB 530, HB 538, HB 552, HB 583, HB 819;** Representative Foster, **HB 666, HR 66;** Representative Benson, **HB 671;** Representative R. Brown, withdraws as co-sponsor of **HB 625;** Representative Stephens, **HB 583;** Representative Stone, withdraws as co-sponsor of **HB 625;** Representative Nett, **HB 583.**

Representative Swinford moved that the rules be suspended for Introduction of Bills and Resolutions, Reference of Bills and Resolutions, and Posting of Bills and Resolutions. Agreed.

Introduction of Bills and Resolutions

HB 828, by Representative Quickert: AN ACT relating to the compensation of the Speaker of the House of Representatives.

HB 829, by Representatives Siemens, Brewer, Burch, Dawahare, Dunn, Hardin, Kidd, Little, Pearman, Priddy, Sharpe, and Yates: AN ACT relating to proposing to amend the Constitution of Kentucky relating to the homestead exemption.

HB 830, by Representatives Siemens, Benson, Burch, Donnermeyer, Dunn, Mann, Priddy, Romines, and Watkins: AN ACT relating to motion picture projections of obscene motion pictures.

HB 831, by Representative Dietz: AN ACT relating to county air boards.

HB 832, by Representative R. Brown: AN ACT relating to annexation by cities of the second class.

HB 833, by Representatives McBrayer and Holbrook: AN ACT relating to city license tax on insurance companies.

HB 834, by Representative Kenton: AN ACT relating to urban county governments.

HB 835, by Representatives Kenton and G. White: AN ACT relating to practical nurses.

HB 836, by Representative Holbrook: AN ACT relating to corporations.

HB 837, by Representative Kenton: AN ACT relating to police and firemen's pension funds in cities of the third class.

HB 838, by Representative Kenton: AN ACT relating to compensation for innocent victims of crime or the dependents of such victims.

HB 839, by Representatives Kenton, Brewer, Freeman and Gay: AN ACT relating to severance taxes.

HB 840, by Representative O'Brien: AN ACT relating to planning and zoning.

HB 841, by Representative Benson: AN ACT relating to presidential primaries.

HB 842, by Representative May: AN ACT relating to state legislative districts.

HB 843, by Representative Hellard: AN ACT relating to creating the Kentucky Cultural Trust Commission.

HB 844, by Representatives Hardin, Brewer, Dawahare, Little, Sharpe, Smith, and Turner: AN ACT relating to a high school diploma for vocational education training.

HJR 88, by Representative Kenton: A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to make a study of the feasibility and desirability of establishing a system for compensating innocent victims of crime for personal injuries sustained by such victims.

HR 89, by Representatives Van Horn, Adams, Freeman, Gay, Robinson, and Turner: A RESOLUTION honoring the Gentleman from Letcher.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **HR 73.**

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

State Government: **HB 770, HR 71, HB 813, HB 819, HB 820, SB 194, SB 249, SB 257, SB 267.**

Business Organizations and Professions: **SB 188, SB 197, HB 815, HB 816.**

Judiciary: **HB 357, HB 518, HB 580, HB 625, HB 689, HB 728, HB 789, HB 227, HB 795, HB 773, HB 798, HB 803, HB 811, HB 812, HB 782, HR 69.**

Announcements (continued)

Representative Swinford moved that the rules be suspended for additional announcements concerning vote changes and co-sponsoring of Bills and Resolutions. Agreed.

The following members requested that they be recorded as voting as follows:

Representative Robinson, "yes" on Amendment No. 4 to **HB 288;** Representative Robinson, "yes" on **SB 90;** Representative Robinson, "yes" on **HB 588;** Representative Imes, "no" on **HB 180, HB 401, HB 497;** Representative Imes, "yes" on **HB 441, HB 414, HB 443, HB 491, HB 541, HB 603, HB 608, HB 639, HB 650, HCR 50, SB 112, SB 172, HB 304, HB 170, HB 176, HB 253, HB 399, HB 641, HB 288, HB 21, SB 87, HB 67, HB 341, HB 490, HB 501, HB 600.**

Representative Van Horn moved that the rules be suspended for action on a Resolution. Agreed.

Representative Van Horn moved the adoption of the following **HR 89:**

HR 89, A RESOLUTION honoring the Gentleman from Letcher.
WHEREAS, the Gentleman from Letcher, ever mindful of the interest of his constituents, did assert himself in a determined manner before this body; and
WHEREAS, said Gentleman from Letcher did find himself exhausted from the effects of his assertion, to the point of temporary retirement from the proceedings of the House; and
WHEREAS, this honorable gentleman exemplifies the zeal and devotion to his legislative responsibilities so necessary to the hallmark of a conscientious member of the General Assembly;
NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives makes due recognition of the efforts of the Gentleman from Letcher, and when it does adjourn this day, March 8, 1974, it does so in his honor.

Agreed.

The following members filed Floor Amendments to Bills and Resolutions: Representative Beshear, No. 1 to **SB 68;** Representative Louden, No. 1 to **HB 291;** Representative Quickert, No. 1 to **HB 454;** Representative Karem, No. 6 to **HB 477;** Representative Paxton, No. 5 to **HB 314;** Representative Paxton, No. 6 to **HB 314;** Representative Reynolds, No. 1 to **HB 750;** Representative Harris, No. 1 to **HB 722;** Representative Beshear, No. 1 to **HB 545;** Representative Quickert, No. 1 to **HB 397;** Representative Kenton, No. 3 to **HB 483.**

Representative Freeman announced a meeting of the Eastern Kentucky delegation on March 12, 1974, in Room 305 one hour before the House convenes.

The Chairman announced a meeting of the Committee on Labor and Industry for 1:00 P.M., March 11, 1974, Room 305.

Adjournment

Representative Swinford moved that the House adjourn until 3:00 P.M., Monday, March 11, 1974. Agreed.

MONDAY, MARCH 11, 1974

FIFTIETH LEGISLATIVE DAY

The House was called to order by Speaker Blume.

Prayer by Reverend Beryl Spross, Church of the Mazarene, Frankfort.

The roll was called. All present except Representatives Graves, Allen, Harris, and Hinkle.

Representative Isler moved that absent members be granted leave of absence in accordance with the rules of the House. Agreed.

The following members filed excuses: Representatives Graves, Allen, Harris, and Hinkle.

Representative Hughes moved that the reading of the Journal of March 8, 1974, be dispensed with and the same approved. Agreed.

Recess

The Speaker moved that the House recess in order that a meeting of the Committee on Judiciary may be held. Agreed.

The Speaker resumed the Chair and called the House to order.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 30, HB 95, HB 238, HB 354, HB 362, HB 367, HB 377, HB 514, HB 618, SB 119, SB 128,** and **SB 193** had been examined and found correctly enrolled. **HB 30, HB 95, HB 238, HB 354, HB 362, HB 367, HB 377, HB 514, HB 618, SB 119, SB 128,** and **SB 193** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 30, HB 95, HB 238, HB 354, HB 362, HB 367, HB 377, HB 514, and **HB 618** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Introduction of Bills and Resolutions

HB 845, by Representative Nett: AN ACT relating to compensation of state employes.

HB 846, by Representative Nett: AN ACT relating to merger of school districts in counties containing a city of the first class.

HB 847, by Representative Hellard: AN ACT relating to savings and loan associations.

HB 848, by Representative King: AN ACT relating to annexation.

HB 849, by Representative Richardson: AN ACT relating to payment of contractors for work done on public buildings.

HB 850, by Representative Richardson: AN ACT relating to mortgage enforcement expenses.

HB 851, by Representative Kidd: AN ACT relating to legislative compensation and expense allowances.

HB 852, by Representative Gay: AN ACT relating to payment of a bonus to certain veterans who served during the Viet Nam conflict and certain persons deriving from them.

HB 853, by Representative Blume: AN ACT relating to the financing of specific economic development projects (for economically deprived communities) and providing for the creation and establishment of the Capital Investment and Development Corporation.

HB 854, by Representative Benson: AN ACT relating to arbitration and to make uniform the law with reference thereto.

HB 855, by Representative Van Horn: AN ACT relating to the law enforcement foundation program fund.

HB 856, by Representative Denham: AN ACT relating to the sale of real property for taxes in cities of the third class.

HB 857, by Representative Lindsay: AN ACT relating to police and firemen.

HB 858, by Representative McBrayer: AN ACT changing the classification of the City of Flatwoods, in Greenup County.

HB 859, by Representative Morgan: AN ACT relating to the common schools.

HB 860, by Representatives J. White and Van Horn: AN ACT relating to the common schools.

HB 861, by Representative Clapp: AN ACT relating to Legislative Auditing.

HB 862, by Representative Wible: AN ACT relating to sterilization.

HB 863, by Representative Troop: AN ACT relating to police and firemen's pension funds in cities of the fourth class.

HB 864, by Representatives Pearman and Stewart: AN ACT relating to insurance.

HB 865, by Representative May: AN ACT relating to the issuance of revenue bonds by joint playground and recreation boards.

HB 866, by Representative Whitfield: AN ACT relating to workmen's compensation.

HJR 90, by Representatives Little and Dawahare: A JOINT RESOLUTION directing that a study be made of the operational and administrative effectiveness of property and severance taxes within this state as related to coal.

HR 91, by Representatives Blume, Paxton, Harris, Swinford and Kafoglis: A RESOLUTION amending Rule 54 of the Rules of the House of Representatives.

HR 92, by Representative McGill: A RESOLUTION directing the Legislative Research Commission to study the statutory bonding requirements for contractors to qualify for state and local government contracts.

HJR 93, by Representative Benson: A JOINT RESOLUTION directing that a study be made of land use planning for the Commonwealth of Kentucky.

HCR 94, by Representative Hancock: A CONCURRENT RESOLUTION requesting federal officials to consider a mandatory allocation program for asphalt cement.

HJR 95, by Representative Clarke: A JOINT RESOLUTION directing the Department of Revenue to conduct a comprehensive study of the state and local property tax structure, statutory provisions and administrative procedures pertaining thereto, and to prepare legislation which will provide for more equitable distribution of the tax burden and more efficient assessment and collection of property taxes for introduction in the 1976 General Assembly.

HR 96, by Representatives Robinson and J. White: A RESOLUTION requesting the Secretary of Transportation to negotiate with Federal Highway Administration officials toward modification of highway advertising restrictions in mountainous areas.

HR 97, by Representative Karem: A CONCURRENT RESOLUTION commending the legislative interns.

Speaker Pro Tempore presiding.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Agriculture: **SB 295, SB 298.**

Appropriations and Revenue: **HB 828, HB 839, SB 223, SB 278, SB 280, SB 281.**

Banking and Insurance: **HB 833.**

Business Organizations and Professions: **HB 835, HB 836, SB 166.**

Cities: **HB 822, HB 823, HB 832, HB 834, HB 837, HB 840, SB 57, SB 287.**

Counties and Special Districts: **HB 831.**

Education: **HB 844, SB 247, SB 250, SB 252.**

Elections and Constitutional Amendments: **HB 829, HB 841.**

Health and Welfare: **SB 274.**

Highways and Traffic Safety: **HR 87, HJR 85, SB 72.**

Judiciary: **HB 824, HB 825, HB 838, HR 88.**

Labor and Industry: **HB 830.**

State Government: **HB 826, HB 842, HB 843, HR 86.**

Report of Committees

The Committee on Rules reported the following Bills and Resolutions have been posted for passage in Orders of the Day on March 12, 1974: **HB 17, HB 32, HB 38, HB 92** with Committee Amendment attached thereto, **HB 459** with Committee Substitute attached thereto, **HB 506** with Committee Amendment attached thereto, **HB 539, HB 557, HB 565, HB 573, HB 633, HB 634** with Committee Amendment attached thereto, **HB 635, HB 636, HB 652, HB 668, HB 675** with Committee Substitute attached thereto, **HB 697, HB 698, HB 699, HB 712, HB 722, HB 723, HB 739, HR 60, HR 66, SB 150, SB 152, SB 153, SB 154, SB 155, SB 185, SB 222, SR 1, HB 511, SB 114, SB 135, HB 263, HB 527, HB 535** with Committee Substitute attached thereto, and **HB 693.**

The Committee on Rules reported **HB 638** has been recommitted to the Committee on Judiciary for study of form and legality.

The Committee on Rules reported **HB 710,** with Committee Amendment attached thereto, has been recommitted to the Committee on Elections and Constitutional Amendments for the purpose of preparing an amendment.

The Committee on Rules reported **HB 533** has been recommitted to the Committee on Appropriations and Revenue for study of fiscal implications.

The Committee on Rules reported **HB 664** has been recommitted to the Committee on Appropriations and Revenue for study to see if cost is in the budget.

The Committee on Rules reported **HB 587** has been recommitted to the Committee on Health and Welfare to study in light of the passage of **HB 588.**

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Highways and Traffic Safety: **SB 290, SB 217, HB 458, HB 807, HR 87, HJR 85, SB 72.**

Education: **HB 814, HR 83.**

The Clerk announced the following Bills and Resolutions have been withdrawn from Committee consideration:

Agriculture and Natural Resources: **HB 556.**

Report of Committees

The Committee on Judiciary reported **HB 74,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 74, AN ACT relating to suits of personal injury.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS Chapter 413.135 is amended to read as follows:

(1) No action to recover damages, whether based upon contract or sounding in tort, resulting from or arising out of any deficiency in the design, planning, supervision, inspection or construction of any improvement to real property, or for any injury to property, either real or personal, arising out of such deficiency, or for injury to the person or for wrongful death arising out of any such deficiency, shall be brought against any person performing or furnishing the design, planning, supervision, inspection or construction of any such improvement after the expiration of five years following the substantial completion of such improvement.

(2) Notwithstanding the provisions of subsection (1) of this section, in the case of such an injury to property or the person or wrongful death resulting from such injury, which injury occurred during the fifth year following substantial completion of such improvement, an action to recover damages for such injury or wrongful death may only be brought within *two years* [one (1) year] from the date upon which such injury occurred (irrespective of the date of death), but in no event may such an action be brought more than *seven years* [six (6) years] after the substantial completion of construction of such improvement.

(3) Nothing in this section shall be construed as extending the period prescribed by statute for the bringing of any action for damages.

(4) The limitation prescribed by this section shall not be asserted as a defense by any person in actual possession or having the control, of owner, tenant or otherwise, of such an improvement at the time any defect in such improvement constitutes the proximate cause of injury to person or death or injury to property which

may constitute the subject of an action.

(5) As used in this section, the term "person" shall mean an individual, corporation, partnership, business trust, unincorporated association or joint stock company; the term "substantial completion" shall be construed to mean the date upon which the owner of the structure, project or facility first entered upon the occupancy or commenced the use thereof.

The Committee Substitute for **HB 74** is as follows:

HB 74, AN ACT relating to limitations of actions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 413 is created to read as follows:

An action for an injury to the person of the plaintiff, or of his child, shall be brought within two years.

Section 2. KRS 413.140 is amended to read as follows:

(1) The following actions shall be commenced within one year after the cause of action accrued:

[(a) An action for an injury to the person of the plaintiff, or of his wife, child, ward, apprentice or servant.]

(a)[(b)] An action for injuries to [persons,] cattle or other livestock [by railroads or other corporations, with the exception of hospitals licensed pursuant to KRS Chapter 216].

(b)[(c)] An action for malicious prosecution, conspiracy, arrest, seduction, criminal conversation or breach of promise of marriage.

(c)[(d)] An action for libel or slander.

(d)[(e)] An action against a physician, surgeon, dentist or hospital licensed pursuant to KRS Chapter 216, for negligence or malpractice.

(e)[(f)] An action for the escape of a prisoner, arrested or imprisoned on civil process.

[(g) An action for the recovery of usury paid for the loan or forbearance of money or other things, against the loaner or forbearer or assignee of either.]

(f)[(h)] An action for the recovery of stolen property, by the owner thereof against any person having the same in his possession.

(g)[(i)] An action for the recovery of stolen property, by the owner thereof, against the thief or any accessory.

(2) In respect to the action referred to in paragraph *(d)* [(e)] of subsection (1) of this section, the cause of action shall be deemed to accrue at the time the injury is first discovered or in the exercise of reasonable care should have been discovered; provided that such action shall be commenced within five years from the date on which the alleged negligent act or omission is said to have occurred.

[(3) In respect to the action referred to in paragraph (g) of subsection (1) of this section, the cause of action shall be deemed to accrue at the time of payment. This limitation shall apply to all payments made on all demands, whether evidenced by writing or existing only in parol.]

(3)[(4)] In respect to the action referred to in paragraph *(f)* [(h)] of subsection (1) of this section, the cause of action shall be deemed to accrue at the time the property is found by its owner.

(4)[(5)] In respect to the action referred to in paragraph *(g)* [(i)] of subsection (1) of this section, the cause of action shall be deemed to accrue at the time of discovery of the liability.

The Committee on Judiciary reported **HCR 29,** with Senate Amendments attached thereto, without expression of opinion.

The Committee on Labor and Industry reported **HB 44, HB 594, HB 715, HB 724** with Committee Amendment attached thereto, **HB 774, SB 91** and **SB 191** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 44, AN ACT relating to home solicitation sales.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 367.440 is amended to read as follows:

(1) Except as provided in this section, within ten days after a home solicitation sale has been canceled or an offer to purchase revoked, the seller must tender to the buyer any payments made by the buyer and any note or other evidence of indebtedness.

(2) If the down payment includes goods traded in, the goods must be tendered in substantially as good condition as when received by the seller. If the seller fails to tender the goods as provided by this section, the buyer may elect to recover an amount equal to the trade-in allowance stated in the agreement.

[(3) The seller may retain as a cancellation fee five per cent (5%) of the cash price but not exceeding the amount of the cash down payment. If the seller fails to comply with an obligation imposed by this section, or if the buyer avoids the sale on any ground independent of his right to cancel provided by the provisions on the buyer's right to cancel in KRS 367.420 (1) or revokes his offer to purchase, the seller is not entitled to retain a cancellation fee.]

(3)[(4)] Until the seller has complied with the obligations imposed by this section the buyer may retain possession of goods delivered to him by the seller and has a lien on the goods in his possession or control for any recovery to which he is entitled.

Section 2. A new section of KRS 367 is created to read as follows:

Any waiver by the buyer of rights provided in KRS 367.410-367.450 is null and void, and will not operate to relieve the seller of any obligation placed upon him by this act.

HB 594, AN ACT relating to employment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 336 is created to read as follows:

(1) "Person" means one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy and receivers;

(2) "Strike" means any concerted stoppage of work by employes, including a stoppage by reason of the expiration of a collective bargaining agreement;

(3) "Lockout" means a cessation of the furnishing of work to employes or a withholding of work from them in an effort to obtain for the employer more desirable terms.

Section 2. A new section of KRS Chapter 336 is created to read as follows:

It shall be unlawful for any employer involved in a strike or lockout knowingly to employ in place of an employe involved in such strike or lockout any person who customarily and repeatedly offers himself for employment in the place of employes involved in a strike or lockout.

Section 3. A new section of KRS Chapter 336 is created to read as follows:

It shall be unlawful for any employer involved in a strike or lockout to recruit, advertise for or procure, or to attempt to recruit, advertise or procure for employment any person who customarily and repeatedly offers himself for employment in the place of employes involved in a strike or lockout.

Section 4. A new section of KRS Chapter 336 is created to read as follows:

It shall be unlawful for any person to recruit, advertise for, procure, supply or refer any person for employment in place of an employe involved in a strike or lockout in which such person is not directly involved.

Section 5. A new section of KRS Chapter 336 is created to read as follows:

Any person violating the provisions of this Act shall be fined not more than one thousand dollars, or imprisoned in the county jail for a term of not more than one year, or both.

HB 715, AN ACT relating to deductions from wages of employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 337.060 is amended to read as follows:

For any wage agreement arrived at through collective bargaining, or pursuant to a wage agreement or statute, no employer shall wilfully with intent to defraud any person, withhold from any employe any part of

the wage agreed upon, provided however, that deductions for the following may not be so authorized or collected: (1) fines; (2) cash shortages in a common money till, cash box or register used by two or more persons; (3) breakage; (4) losses due to acceptance by an employe of checks which are subsequently dishonored if such employe is given discretion to accept or reject any check; or (5) losses due to defective or faulty workmanship, lost or stolen property, damage to property, default of customer credit or non-payment for goods or services received by the customer if such losses are not attributable to employe's wilful or intentional disregard of employer's interest. [In case of any wage agreement arrived at through collective bargaining, no employer shall wilfully with intent to defraud any person, withhold from any employe any part of the wage agreed upon.] This section shall not make it unlawful for an employer to withhold or divert any portion of an employe's wage when the employer is authorized to do so by state or federal law or when a deduction is expressly authorized in writing by the employe to cover insurance premiums, hospital and medical dues, or other deductions not amounting to a rebate or deduction from the standard wage arrived at by collective bargaining or pursuant to wage agreement or statute, nor shall it preclude deductions for union dues where such deductions are authorized by joint wage agreements or collective bargaining contracts negotiated between employers and employes or their representative.

Section 2. A new section of KRS Chapter 337 is created to read as follows:

KRS 337.050 and 337.060 shall not apply to employers and employes subject to the provisions of the Federal Railway Labor Act, the Federal Safety Appliance Act, the Federal Railroad Mediation Act, the Interstate Commerce Commission or the Kentucky Public Service Commission, nor to hospitals or charitable institutions, nor to employes of the state or United States or political subdivisions of either, nor to farming or work performed in homes, residences, restaurants, hotels and apartment houses such as cleaning, waiting on tables, washing dishes, cooking, answering calls of guests and waiting upon them and general house, restaurant or hotel work and outside salesmen.

Section 3. KRS 337.010(2) is repealed.

HB 724, AN ACT relating to collective bargaining for firemen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 345.010 is amended to read as follows:

When used in this chapter:

(1) "Public employer" means any city, county or airport in the state of Kentucky or any city, county or airport that petitions the Commissioner of Labor to be included by this chapter;

[(1) "Public employer" means a city containing a population of at least 300,000 as determined by the last federal census or any city that petitions the Commissioner of Labor to be included by this chapter.]

(2) "Fire fighter" means an employe of the public employer engaged in serving the public by providing fire protection, including those covered by KRS Chapter 95;

(3) "Labor organization" means any chartered labor organization of any kind in which fire fighters participate and which exists for the primary purpose of dealing with employers concerning grievances, labor disputes, wages, rate of pay, hours of employment or conditions of employment;

(4) "Exclusive representative" means the labor organization which has been designated by the State Labor Relations Board as the representative of the majority of fire fighters in appropriate units or has been so recognized by the public employer;

(5) "Board" means the State Labor Relations Board;

(6) "Person" includes one or more individuals, labor organizations, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers;

(7) "Commissioner" means the Commissioner of Labor of the Commonwealth of Kentucky.

Section 2. KRS 345.030 is amended to read as follows:

(1) Fire fighters of a city, county or airport shall have and shall be protected in the exercise of the right of self-organization to form, join, or assist any labor organization to bargain collectively through representatives of their own choosing on questions of wages, hours, and other conditions of employment free from interference, restraint, or coercion.

[(1) Fire fighters of a city containing a population of at least 300,000 as determined by the federal census shall have, and shall be protected in the exercise of, the right of self-organization, to form, join or assist any labor organization, to bargain collectively through representatives of their own choosing on questions of wages, hours, and other conditions of employment free from interference, restraint or coercion.]

(2) Labor organizations designated by the State Board of Labor Relations as the representative of the majority of fire fighters in an appropriate unit or recognized by a public employer as the representative of the majority of employes in an appropriate unit shall be the exclusive representative for the employes of such unit for the purpose of collective bargaining with respect to rates of pay, wages, hours and other conditions of employment.

(3) Labor organizations recognized by a public employer as the exclusive representative or so designated in accordance with the provisions of this chapter shall be responsible for representing the interest of all fire fighters in the unit without discrimination.

Section 3. KRS 345.080 is amended to read as follows:

(1) If after a reasonable period, but in no event less than thirty days, of negotiations over the terms of a new collective bargaining agreement or modifications in an existing agreement the parties to the negotiations are deadlocked, either party or the parties jointly may petition the board, by registered mail, to initiate fact finding.

(2) Upon receipt of a petition to initiate fact finding, the commissioner shall cause an investigation to determine whether or not the parties are deadlocked in their negotiations. During the course of this investigation, the commissioner is empowered to utilize his office in an effort to effectuate a settlement between the parties through mediation and conciliation.

(3) Upon completion of the commissioner's investigation, and if a settlement between the parties has still not been reached, the commissioner shall within five days appoint a qualified and disinterested person as the impartial chairman of a three-man panel to function as the fact finders. In addition to the impartial chairman, the other two members of the panel shall be one member named by the labor organization and one by the employer, parties to the deadlocked negotiations.

(4) Upon consultation with the other members of the panel, the impartial chairman shall establish dates and places for public hearings. Whenever feasible, public hearings shall be held within the jurisdiction in which the employer is located. The panel may subpoena witnesses, and a written transcript of the hearing shall be made. Upon completion of the hearings the panel shall, by majority decision, make written findings of fact and recommendations for solution of the dispute. The panel shall cause all of its written findings, recommendations and opinions to be served on the employer and labor organization (parties) and same shall be released to the public. Expenses incurred by the three-man panel in this section shall be paid by the parties involved in the labor dispute.

(5) The commissioner may adopt, promulgate, amend and rescind such rules and regulations as he deems necessary and administratively feasible not inconsistent with the provisions of this chapter to carry out his responsibilities over the fact-finding procedures set forth in this section. However, unless the parties agree to extend the time for the hearings, they must be completed with recommendations from the fact-finding panel, within 120 days from the date the petition to initiate the fact-finding procedure was received by the commissioner.

(6) If the parties are unable to reach agreement within ten days after the publication of the findings and recommendations from the fact-finding panel or if, where fact-finding has not been requested or ordered, mediation has failed to bring the parties into agreement or the collective bargaining agreement, if one exists, has expired, or thirty days have elapsed since the commissioner was notified that the parties cannot reach an agreement, then the public employes shall submit the matter to final and binding arbitration by an arbitrator selected by the parties. If the parties cannot agree upon an arbitrator within five days, the commissioner shall immediately appoint an arbitrator from a list of qualified persons maintained by the commissioner.

(7) Nothing in this section shall be construed to prohibit the parties from voluntarily agreeing to submit any or all of the issues in dispute to final and binding arbitration. If such agreement is reached said arbitration shall supersede the settlement procedures set forth in this section.

The Committee Amendment to **HB 724** is as follows:

Amend printed copy of **HB 724,** page 1, line 12, after "fighter", add "*or policeman*"

and on page 1, line 13, after "fire", add "*or police*"

and on page 1, line 16, after "organization", add "*or association*"

and on page 1, line 16, after "fighters", add "*or policemen*"

and on page 2, line 4, after "fighters", add "*or policemen*"

and on page 2, line 15, after "fighters", add "*and policemen*"

and on page 3, line 6, after "fighters", add "*or policemen*"

and on page 3, line 17, after "fighters", add "*or policemen*"

HB 774, AN ACT relating to unemployment insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 341.350 is amended to read as follows:

An unemployed worker shall, except as provided in KRS 341.360 and 341.370, be eligible for benefits with respect to any week of unemployment only if:

(1) He has made a claim for benefits;

(2) He has registered for work with respect to such week in accordance with regulations prescribed by the commission;

(3) He is physically and mentally able to work;

(4) He is available for suitable work, and making such reasonable effort to obtain work as might be expected of a prudent person under like circumstances; *provided, however, a worker unemployed due to a vacation shutdown of his place of employment shall not be deemed uneligible for benefits with respect to any period for which he is not entitled to vacation pay at the time of such shutdown.*

(5) His base-period wages in that calendar quarter of his base period in which such wages were highest are equal to at least two hundred and fifty dollars, and his total base-period wages are not less than one and three-eighths times the base-period wages paid to him in such quarter and he was paid base-period wages in the last six months of his base period equal to at least eight times his weekly benefit rate;

(6) An otherwise eligible worker shall not be denied benefits under subsection (4) of this section or because of his failure to actively seek work, nor disqualified under paragraph (a) of subsection (1) of KRS 341.370 with respect to any week he is in training with the approval of the commissioner.

(7) The foregoing eligibility requirements and the conditions of benefit disqualifications imposed by KRS 341.370 shall be strictly construed. Nothing in this section, excepting subsection (5), nor in KRS 341.360 or 341.370 shall affect the establishment of a "benefit year."

SB 91, AN ACT relating to Unemployment Compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 341.030 is amended to read as follows:

(1) As used in this chapter, unless the context clearly requires otherwise, and except as provided in subsections (2) to (7) of this section, "wages" means all remuneration for services, including commissions, bonuses, and the cash value of all remuneration in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the commission.

(2) Amounts paid to traveling salesmen or other workers as allowance or reimbursement for traveling or other expenses, incurred on the business of the employing unit, constitute wages only to the extent of the excess of such amounts over such expenses actually incurred and accounted for by the worker to his employer.

(3) Gratuities and tips customarily received by a worker in the course of his employment from persons other than his employing unit do not constitute wages.

(4) "Wages" does not include the amount of any payment made to, or on behalf of, a worker under a plan or system established by an employing unit that makes provision for its workers generally or for a class of its workers, including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment, on account of:

(a) Retirement;

(b) Sickness or accident disability;

(c) Medical and hospitalization expenses in connection with accident or sickness disability; or

(d) Death, if the worker has not:

1. The option to receive, instead of provision for such death benefit, any part of the payment, or if such death benefit is insured, any part of the premiums or contributions to premiums paid by his employing unit, and

2. The right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of it either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employing unit.

(5) "Wages" does not include the amount of any payment made by an employing unit without deduction from the remuneration of the worker of the tax imposed under Section 3101 of the Federal Internal Revenue Code.

(6) "Wages" does not, for the purposes of KRS 341.260 to 341.290, include that part of remuneration which, after wages equal to forty-two hundred dollars have been paid in a calendar year to a worker by a subject employer or his predecessor with respect to covered employment during any calendar year, is paid to such worker by such subject employer during such calendar year unless that part of the wages is subject to a tax under a federal law, imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund. For the purpose of this subsection, the term "covered employment" shall include service constituting covered employment under any unemployment compensation law of another state.

(7) "Wages" does not, for the purpose of KRS 341.390 or subsection (3) of KRS 341.080 , include bonus money received for work done during a previous period in time.

SB 191, *AN ACT relating to unemployment compensation.*

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 341.370 is amended to read as follows:

(1) According to the circumstances in each case, a worker shall be disqualified from receiving benefits or serving a waiting period:

(a) For not less than one (1) nor more than sixteen (16) weeks immediately following the commission of the disqualifying act, if, subsequent to his most recent work, he has failed without good cause either to apply for available, suitable work when so directed by the employment office or the commissioner or to accept suitable work when offered him, or to return to his customary self-employment when so directed by the commissioner; or

(b) For not less than six (6) nor more than sixteen (16) weeks immediately following the commission of the disqualifying act, if he has been discharged for misconduct connected with his most recent work, but legitimate activity in connection with labor organizations or failure to join a company union shall not be construed as misconduct.

(2) A worker shall be disqualified from receiving benefits or serving a waiting period for the duration of any period of unemployment with respect to which:

(a) He was discharged for dishonesty in connection with his most recent work;

(b) He voluntarily quit his most recent work to marry or for the purpose of attending school, or to become self-employed; or

(c) He has left his most recent suitable work voluntarily without good cause.

(3) A spouse who leaves his most recent suitable work voluntarily in order to move to another city where his spouse has been transferred or has acquired new employment, and the city moved to is more than 25 miles from his most recent city of employment, shall be deemed to have good cause under this section.

(4) [(3)] A worker shall be disqualified from receiving benefits for any week with respect to which he knowingly made a false statement to establish his right to or the amount of his benefits; and, within the succeeding twenty-four (24) months, for such additional weeks immediately following the date of discovery, not to exceed a total of fifty-two (52), as may be determined by the commissioner.

(5) [(4)] No worker shall be disqualified under paragraph (b) of subsections (1) or (2) of this section unless the employer, within a reasonable time as prescribed by commission regulation, notifies the division and the worker in writing of the alleged voluntary quitting or the discharge for misconduct; Provided, however, That nothing in this subsection shall restrict the right of the commissioner to disqualify a worker whose employer has refused or failed to notify the division of the alleged voluntary quitting or discharge for misconduct if such alleged voluntary quitting or discharge for misconduct is known to the commissioner prior

to the time benefits are paid to such worker; Provided, further, That the exercise of such right by the commissioner, in the absence of timely notice from the employer, shall not relieve the employer's reserve account of benefit charges under the provisions of subsection (3) of KRS 341.530.

(6) [(5)] As used in this section and in subsection (3) of KRS 341.530, "most recent" work shall be construed as that work which occurred after the first day of the worker's base period and which last preceded the week of unemployment with respect to which benefits are claimed; except that, if the work last preceding such week of unemployment was intermittent or temporary in nature, most recent work may be construed as that work last preceding such intermittent or temporary work.

Calendar

HB 545 with Committee Amendment attached thereto, **HB 709, HB 733, HB 734, HR 41, HB 502** with Committee Substitute attached thereto, **HB 94** with Committee Amendment attached thereto, **HB 454** with Committee Amendment attached thereto, **HB 507, HB 616, HB 718, HB 726,** and **HB 747** taken from the Calendar and ordered read at length for the second time. Representative Swinford moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Motions, Petitions and Communications

Representative Paxton moved that **HB 314,** by way of Committee Substitute as amended, be taken from the Clerk's desk and made the first order of business in Orders of the Day.

On the roll call the vote was yeas 44-Arnold, Bennett, Blume, Blythe, Bowles, Bruce, Chandler, Clarke, DeMarcus, Denham, Dunn, Foster, Givhan, Hardin, Head, Hellard, Hughes, Hurst, Kafoglis, Karem, Kenton, Lewis, Mann, May, McBee, McBride, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Romines, Sale, Smith, Stewart, Swinford, Thomas, Vincent, Wells, G. White, Yates. Nays 15-Clapp, Guenthner, Isler, King, Little, Mason, McGill, Morgan, Robinson, Sharpe, Siemens, Stephens, Turner, Van Horn, Wible.

The motion that **HB 314,** by way of Committee Substitute as amended, be taken from the Clerk's desk and made the first order of business in Orders of the Day was adopted.

Representative Priddy moved that **HCR 29,** with Senate Amendment attached thereto, be taken from the Clerk's desk, report of the Committee on Judiciary notwithstanding, and placed in Orders of the Day.

On the roll call the vote was yeas 64-Adams, Arnold, Bennett, Blandford, Blume, Blythe, Bowles, Brewer, E. Brown, Bruce, Chandler, Clapp, Dawahare, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Guenthner, Hardin, Head, Hellard, Holbrook, Holloway, Hughes, Hurst, Isler, Karem, King, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Morgan, Nett, O'Brien, Pearman, Priddy, Reynolds, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Thomas, Turner, Van Horn, Vincent, Watkins, Wells, G. White, Whitfield, Wible, Yates. Nays 8-Beshear, Clarke, Kafoglis, Kidd, McGill, Quickert, Richardson, Swinford.

The motion that **HCR 29,** with Senate Amendment attached thereto, be taken from the Clerk's desk and placed in Orders of the Day was adopted.

Representative King moved that **HCR 29** be made the first order of business in Orders of the Day.

On the roll call the vote was yeas 51-Adams, Arnold, Bennett, Brewer, E. Brown, Bruce, Burch, Chandler, Clapp, Crupper, Dawahare, Denham, Dunn, Freeman, Gay, Guenthner, Hardin, Hellard, Hislope, Holloway, Hughes, Hurst, Isler, King, Lewis, Little, Louden, Mason, May, Maynard, Morgan, O'Brien, Pearman, Roberts, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stone, Thomas, Troop, Turner, Van Horn, Watkins, J. White, Wible, Yates. Nays 24-Benson, Beshear, Blume, Bowles, Clarke, Davis, Dietz, Foster, Givhan, Hancock, Kafoglis, Karem, Kidd, Mann, McBride, McGill, Nett, Overstreet, Paxton, Reynolds, Richardson, Sale, Swinford, Whitfield.

The motion that **HCR 29** be made the first order of business in Orders of the Day was adopted.

Representative Givhan moved that the rules be suspended for the purpose of filing floor amendments. Agreed.

Representative Givhan filed Floor Amendments No. 4 and No. 5 to **HB 232.**

Representative Richardson moved that **HB 483** as amended be taken from the table and placed in Orders of the Day.

On the roll call the vote was yeas 58-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Bowles, E. Brown, Burch, Chandler, Clapp, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Guenthner, Hardin, Head, Hellard, Hopkins, Hughes, Isler, Kafoglis, Karem, Kenton, King, Lewis, Louden, Mann, Mason, May, Maynard, McBride, Morgan, Nett, O'Brien, Paxton, Priddy, Quickert, Reynolds, Richardson, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stone, Swinford, Van Horn, Wible, Yates. Nays 9-Bruce, Hislope, Holbrook, McGill, Pearman, Robinson, Troop, Watkins, Whitfield.

The motion that **HB 483** be taken from the table and placed in Orders of the Day was adopted.

Senate Message

Announcing passage of **SB 275, SB 276,** and **HB 77** with Amendment.

Motions, Petitions and Communications (continued)

Representative Reynolds moved that **HB 684** be recommitted to the Committee on Health and Welfare. Agreed.

Representative Burch moved that **HB 670** be recommitted to the Committee on Counties and Special Districts.

On the roll call the vote was yeas 51-Adams, Arnold, Benson, Blandford, Bowles, Brewer, E. Brown, Bruce, Burch, Chandler, Clapp, Davis, Dawahare, Denham, Donnermeyer, Dunn, Foster, Guenthner, Head, Hellard, Holbrook, Holloway, Kenton, Kidd, King, Lindsay, Little, Louden, Mason, McBee, McBrayer, Morgan, Nett, O'Brien, Pearman, Paxton, Rattliff, Reynolds, Richardson, Roberts, Sharpe, Smith, Stephens, Stone, Swinford, Turner, Van Horn, G. White, J. White, Wible, Yates. Nays 10-DeMarcus, Hughes, Isler, Mann, Maynard, McGill, Robinson, Schmidt, Thomas, Whitfield.

The motion that **HB 670** be recommitted to the Committee on Counties and Special Districts was adopted.

Representative Smith moved the adoption of the following Legislative Citation No. 114:

The House of Representatives of the Commonwealth of Kentucky hereby honors the Monticello High School basketball team, Coach Joe Harper, and Assistant Coach Kay Morris for having won the Twelfth Region Championship and thus becoming a member of the Sweet Sixteen. This body commends the team and coaches for their victory and sportsmanship and extends best wishes for success in the Kentucky State High School Basketball Tournament. (Sponsored by Representative Smith)

Agreed.

Representative Mason moved that **HB 477** be recommitted to the Committee on Labor and Industry.

On the roll call the vote was yeas 6-Blythe, Crupper, Hurst, Mason, Stewart, Turner. Nays 52-Benson, Beshear, Blandford, Blume, Bowles, E. Brown, Clapp, Clarke, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Hardin, Hellard, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lewis, Little, Mann, May, McBee, McBride, McGill, O'Brien, Paxton, Priddy, Quickert, Reynolds, Richardson, Roberts, Robinson, Romines, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Troop, Van Horn, J. White, Whitfield, Wible, Yates.

The motion that **HB 477** be recommitted to the Committee on Labor and Industry was rejected.

Orders of the Day

Representative Swinford moved that **HCR 29** be taken from Orders of the Day and placed upon its passage. Agreed.

Representative Priddy moved that **HCR 29** be placed after **HB 640** in Orders of the Day.

Representative King moved that **HB 640** be placed first in Orders of the Day.

On the roll call the vote was yeas 5-DeMarcus, King, McGill, Morgan, Van Horn. Nays 46-Adams, Arnold, Bennett, Blandford, Bowles, Brewer, Chandler, Dawahare, Denham, Dunn, Foster, Freeman, Gay, Guenthner, Hardin, Hellard, Hislope, Holloway, Hughes, Hurst, Imes, Isler, Lindsay, Little, May, McBride, O'Brien, Overstreet, Pearman, Paxton, Priddy, Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Smith, Stephens, Stewart, Turner, Vincent, G. White, J. White, Wible, Yates.

The motion that **HB 640** be placed first in Orders of the Day was rejected.

Representative Stephens moved that **HCR 29** and **HB 640** be laid on the Clerk's desk.

Representative King moved that **HB 314** be included in the motion to lay **HCR 29** and **HB 640** on the Clerk's desk.

Representative DeMarcus moved the adoption of the Previous Question on **HCR 29.**

On the roll call the vote was yeas 50-Arnold, Bennett, Blandford, Blume, Blythe, Bowles, E. Brown, Chandler, Clapp, Crupper, Davis, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Guenthner, Head, Hislope, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, King, Lewis, Louden, May, McBee, McBride, O'Brien, Pearman, Priddy, Reynolds, Robinson, Romines, Sale, Siemens, Smith, Stewart, Turner, Vincent, Wells, G. White, Whitfield, Wible, Yates. Nays 15-Holbrook, Kafoglis, Karem, Little, Mann, Mason, McGill, Paxton, Richardson, Sharpe, Stephens, Stone, Troop, Van Horn, Watkins.

The motion that the Previous Question be adopted on **HCR 29** was rejected.

Representative King moved that the vote on the previous question on **HCR 29** be reconsidered.

Representative King moved that **HB 314, HB 640,** and **HCR 29** be laid on the Clerk's desk.

Representative Priddy moved that the motion that **HCR 29** be placed after **HB 640** in Orders of the Day be withdrawn.

Representative Maynard moved that **HCR 29** be laid on the table.

On the roll call the vote was yeas 16-Beshear, Clarke, Crupper, Kafoglis, Kidd, King, Kleier, Mann, Mason, Maynard, McGill, Morgan, Quickert, Richardson, Stone, Swinford. Nays 58-Arnold, Bennett, Blandford, Blume, Blythe, Bowles, E. Brown, Bruce, Chandler, Clapp, Davis, Denham, Dietz, Donnermeyer, Dunn, Foster, Guenthner, Hardin, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Karem, Kenton, Little, Louden, May, McBee, McBride, O'Brien, Pearman, Paxton, Priddy, Reynolds, Robinson, Romines, Sale, Schmaedecke, Schmidt, Siemens, Smith, Stephens, Thomas, Troop, Turner, Van Horn, Watkins, Wells, G. White, Whitfield, Wible, Yates.

The motion that **HCR 29** be laid on the table was rejected.

Representative King moved that **HB 314** be included in the motion to lay **HCR 29** and **HB 640** on the Clerk's desk. Rejected.

Representative Stephens moved that **HCR 29** and **HB 640** be laid on the Clerk's desk. Rejected.

Representative Priddy moved that the House concur in the following Senate Amendments to **HCR 29:**

Amend printed copy of House Resolution 29 as follows:

Page 1, lines 1 through 7, by deleting said lines in their entirety and substituting in lieu thereof the following:

"Section 1. That the Congress of the United States be, and it hereby is, requested to call a convention for the proposing of the following amendment to the Constitution of the United States:

No student shall be assigned or compelled to attend any particular public school on account of race, religion, color or national origin.

Section 2. That this application by the General Assembly of the Commonwealth of Kentucky constitutes a continuing application, in accordance with Article V of the Constitution of the United States, until at least two-thirds of the legislatures of the several states have made similar applications."

and on line 8, change "Section 2." to "Section 3."

and on page 1, by amending the title to read as follows:

"A CONCURRENT RESOLUTION applying to the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States."

On the roll call the vote was yeas 40-Bennett, Blandford, Brewer, E. Brown, Bruce, Chandler, Clapp, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Freeman, Gay, Givhan, Guenthner, Hardin, Hellard, Hislope, Holloway, Hughes, Hurst, Lindsay, Little, McBee, O'Brien, Pearman, Priddy, Romines, Sale, Schmidt, Sharpe, Siemens, Stewart, Stone, Thomas, Turner, Van Horn, J. White, Yates. Nays 49-Benson, Beshear, Blume, Blythe, R. Brown, Burch, Clarke, Crupper, Davis, Dietz, Foster, Hancock, Head, Holbrook, Hopkins, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Mann, Mason, May, Maynard, McBride, McGill, Morgan, Nett, Overstreet, Paxton, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Schmaedecke, Stephens, Swinford, Troop, Watkins, Wells, G. White, Whitfield, Wible.

The motion that the House concur in the Senate Amendments to **HCR 29** was rejected.

The Speaker moved that **HCR 29** be returned to the Senate with the request that they recede from the Amendments. Agreed.

Representative Swinford moved that **HB 314,** by way of Committee Substitute as amended, be taken from Orders of the Day and placed upon its passage. Agreed by a majority of members elected.

Representative Paxton moved that debate on amendments be limited to five minutes and ten minutes on passage of the bill.

Representative Wible moved the adoption of the Previous Question of **HB 314.**

On the roll call the vote was yeas 27-Brewer, R. Brown, Clapp, Davis, Gay, Guenthner, Hardin, Hislope, Holbrook, Imes, Isler, Kafoglis, King, Kleier, Little, McGill, Morgan, Rattliff, Robinson, Sharpe, Stephens, Stone, Troop, Van Horn, J. White Whitfield, Wible. Nays 46-Bennett, Beshear, Blandford, Blume, Blythe, Burch, Chandler, Clarke, Dawahare, DeMarcus, Denham, Donnermeyer, Foster, Hellard, Holloway, Hopkins, Hughes, Hurst, Karem, Kenton, Lewis, Mann, May, McBee, McBride, O'Brien, Overstreet, Pearman, Paxton, Priddy, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Siemens, Smith, Stewart, Swinford, Thomas, Turner, Vincent, Watkins, Wells, G. White.

The motion that the Previous Question be adopted on **HB 314** was rejected.

Representative Stone moved that the motion to limit debate on amendments to five minutes and ten minutes on passage of the bill be tabled.

On the roll call the vote was yeas 29-Blythe, Brewer, Clapp, Crupper, Davis, Dawahare, Freeman, Gay, Guenthner, Hancock, Isler, Kafoglis, Karem, King, Kleier, Lindsay, Louden, McGill, Morgan, Rattliff,

Romines, Schmaedecke, Sharpe, Siemens, Stephens, Stone, Van Horn, J. White, Wible. Nays 49-Arnold, Bennett, Beshear, Blandford, Blume, E. Brown, Bruce, Burch, Chandler, Clarke, DeMarcus, Donnermeyer, Dunn, Foster, Givhan, Hardin, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Lewis, Little, Mann, Mason, May, McBee, McBride, O'Brien, Overstreet, Pearman, Paxton, Reynolds, Roberts, Robinson, Sale, Smith, Stewart, Swinford, Thomas, Troop, Turner, Vincent, Watkins, Wells, G. White, Whitfield.

The motion that the motion to limit debate on amendments to five minutes and ten minutes on passage of the bill be tabled was rejected.

On the roll call the vote was yeas 48-Arnold, Bennett, Beshear, Blandford, Blume, E. Brown, Bruce, Burch, Chandler, Clarke, Crupper, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Hancock, Hardin, Hellard, Hughes, Imes, Kafoglis, Lewis, Mann, May, McBee, McBride, Morgan, Overstreet, Pearman, Paxton, Priddy, Reynolds, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stewart, Swinford, Thomas, Turner, Vincent, Watkins, Wells, G. White, Whitfield. Nays 23-Blythe, Davis, Dawahare, Freeman, Gay, Guenthner, Holbrook, Isler, Karem, Kenton, King, Kleier, Lindsay, Little, Mason, McGill, Siemens, Stephens, Stone, Troop, Van Horn, J. White, Wible.

The motion that debate on amendments be limited to five minutes and ten minutes on passage of the bill was adopted.

Representative Paxton moved the adoption of the following Floor Amendment No. 6 to the Committee Substitute for **HB 314:**

Amend printed copy of Committee Substitute for **HB 314,** page 47, lines 12-20, by striking same and inserting in lieu thereof:

"(1) The rates for bodily injury liability in the amounts specified in Section 11 of this act combined with the rates for uninsured motorists coverage in equal amounts and for basic reparation benefits coverage shall be reduced by each insurer by not less than ten percent (10%) as of the effective day of this act from the rates in effect for each such insurer immediately prior to such date for bodily injury liability in the amounts specified in".

On the roll call the vote was yeas 51-Arnold, Beshear, Blandford, Blume, Blythe, Bruce, Chandler, Clarke, Crupper, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Freeman, Givhan, Hancock, Hardin, Hellard, Holloway, Hughes, Kafoglis, Karem, Kenton, Lewis, Louden, Mann, May, McBee, McBride, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Romines, Sale, Schmaedecke, Schmidt, Siemens, Smith, Stewart, Swinford, Thomas, Vincent, Wells, G. White, Whitfield, Yates. Nays 29-Bennett, E. Brown, Clapp, Davis, Dawahare, Guenthner, Holbrook, Imes, Isler, King, Kleier, Lindsay, Little, Mason, McBrayer, McGill, Morgan, Rattliff, Roberts, Robinson, Sharpe, Stephens, Stone, Troop, Turner, Van Horn, Watkins, J. White, Wible.

The Floor Amendment No. 6 to the Committee Substitute for **HB 314** was adopted.

Representative Kafoglis moved that the vote on Floor Amendment No. 6 to **HB 314** be reconsidered. Agreed.

On the roll call the vote was yeas 54-Arnold, Bennett, Beshear, Blandford, Blume, Blythe, E. Brown, R. Brown, Bruce, Clarke, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Givhan, Hancock, Hardin, Head, Hellard, Holloway, Hopkins, Hughes, Hurst, Kafoglis, Karem, Lewis, Louden, Mann, May, McBee, McBride, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Siemens, Smith, Stewart, Swinford, Thomas, Vincent, Wells, G. White, Whitfield. Nays 36-Adams, Burch, Chandler, Clapp, Crupper, Davis, Dawahare, Dietz, Freeman, Gay, Guenthner, Holbrook, Imes, Isler, King, Kleier, Lindsay, Little, Mason, Maynard, McBrayer, McGill, Morgan, Rattliff, Roberts, Robinson, Sharpe, Stephens, Stone, Troop, Turner, Van Horn, Watkins, J. White, Wible, Yates.

The Floor Amendment No. 6 to the Committee Substitute for **HB 314** was adopted.

Representative Paxton moved the adoption of the following Floor Amendment No. 5 to the Committee Substitute for **HB 314:**

Amend printed copy of Committee Substitute for **HB 314,** pages 11 and 12, lines 18-26 and 1-8, by deleting same and inserting in lieu thereof:

"(f) Damages for noneconomic detriment if the accident causes death, significant permanent injury, srious permanent disfigurement, more than three months of total disability, or if the injured person incurs medical expenses having a reasonable value in excess of $1,250. "Reasonable value" means the average cost of specific types of services included under medical expenses, as defined by this act, in the Commonwealth of Kentucky as determined from statistical data compiled by the commissioner of insurance and published not less than once each year; and"

and on page 13, lines 7 and 19, by deleting "transportation" and inserting in lieu thereof "insurance"

and on page 16, line 15, by deleting "shall" and inserting in lieu thereof "may"

and on page 16, line 16, by deleting "(4)" and inserting in lieu thereof "(6)"

and on page 42 by striking lines 24-26

and on pages 43-45 by striking same

and on page 46, lines 1-19 by striking same and inserting in lieu thereof:

"(1) An owner or registrant of a motor vehicle with respect to which security is required by this act, who operates the motor vehicle or permits it to be operated in this Commonwealth without having in full force and effect security complying with Section 11 of this act, shall be fined not less than $50 nor more than $500;

(2) All reparation obligors shall be obligated to provide to a reparation insured or an insured person who has rejected his tort limitations as provided in Section 6(4) a certificate or other evidence of insurance whenever coverage required by section 11 of this act is issued or renewed upon policy anniversary date;

(3) An owner or registrant of a motor vehicle with respect to which security is required under Section 11 of this act, who fails to have such security when the motor vehicle is involved in an accident shall have all the rights and obligations of a reparation obligor, and any other reparation obligor which has paid or may become obligated to pay basic or added reparation benefits to an injured person under a basic or added reparation contract or under the terms of the assigned claims plan shall be subrogated to the rights of the injured person against such owner or registrant."

and on page 46, line 20 by deleting "34" and inserting "33"

and on page 47, line 10 by deleting "35" and inserting in lieu thereof "34"

and on page 48, line 10 by deleting "36" and inserting in lieu thereof "35"

and on page 49, line 5 by striking "37" and inserting in lieu thereof "36" and on line 7 by striking "38" and inserting in lieu thereof "37".

On the roll call the vote was yeas 62-Arnold, Bennett, Beshear, Blandford, Blume, Blythe, Brewer, E. Brown, R. Brown, Bruce, Chandler, Clarke, Crupper, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Freeman, Givhan, Hancock, Head, Hellard, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Little, Mann, May, McBee, McBride, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Roberts, Romines, Sale, Schmidt, Siemens, Smith, Stephens, Stewart, Swinford, Turner, Vincent, G. White, Whitfield. Nays 15-Clapp, Gay, Holbrook, King, Lindsay, Mason, McGill, Morgan, Rattliff, Robinson, Sharpe, Stone, Van Horn, J. White, Wible.

The Floor Amendment No. 5 to the Committee Substitute for **HB 314** was adopted.

Representative Paxton moved that **HB 314,** by way of Committee Substitute as amended, be placed upon its passage.

Representative Lindsay moved the adoption of the following Floor Amendment No. 4 to the Committee Substitute for **HB 314:**

Amend printed copy of Committee Substitute for **HB 314,** page 32, by deleting lines 4 through 12, and renumbering remaining Sections.

On the roll call the vote was yeas 53-Arnold, Brewer, E. Brown, R. Brown, Chandler, Clapp, Crupper, Davis, Denham, Dietz, Donnermeyer, Gay, Givhan, Guenthner, Hancock, Hardin, Head, Holbrook, Hughes, Hurst, Imes, Isler, Karem, Kenton, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Rattliff, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Stephens, Stone, Troop, Van Horn, J. White, Whitfield, Wible, Yates. Nays 25-Bennett, Beshear, Blandford, Blume, Blythe, Bruce, Clarke, DeMarcus, Dunn, Foster, Hopkins, Kafoglis, May, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Sale, Swinford, Thomas, Turner, Vincent, Wells.

The Floor Amendment No. 4 to the Committee Substitute for **HB 314** was adopted.

Representative Lindsay moved the adoption of the following Floor Amendment No. 1 to the Committee Substitute for **HB 314:**

Amend printed copy of Committee Substitute for **HB 314,** page 47, line 23, by deleting the word "such"

line 24, by deleting the entire line

line 25, by deleting the word "year" and the period thereafter

insert on line 23 after the word "coverage." the following: "The reduced rates shall not be raised until approved by the Kentucky General Assembly"

On the roll call the vote was yeas 46-Adams, Benson, Brewer, R. Brown, Clapp, Crupper, Davis, Dawahare, Dietz, Freeman, Gay, Givhan, Guenthner, Head, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, King, Kleier, Lindsay, Little, Louden, Mason, Maynard, McBee, McBrayer, McGill, Morgan, O'Brien, Rattliff, Roberts, Robinson, Romines, Schmaedecke, Sharpe, Stephens, Stone, Troop, Turner, Van Horn, J. White, Whitfield, Wible. Nays 41-Bennett, Beshear, Blandford, Blume, Blythe, E. Brown, Bruce, Chandler, Clarke, DeMarcus, Donnermeyer, Dunn, Foster, Hancock, Hardin, Hellard, Holloway, Kafoglis, Karem, Kenton, Lewis, Mann, May, McBride, Overstreet, Paxton, Priddy, Quickert, Reynolds, Richardson, Sale, Schmidt, Siemens, Smith, Swinford, Thomas, Vincent, Watkins, Wells, G. White, Yates.

The Floor Amendment No. 1 to the Committee Substitute for **HB 314** was adopted.

Representative Kleier moved that **HB 314** by way of Committee Substitute as amended, be laid on the Clerk's desk and be made the first order of business on March 22, 1974.

On the roll call the vote was yeas 14-Guenthner, Holbrook, Isler, King, Kleier, Little, Mason, Robinson, Stephens, Stone, Turner, Van Horn, Wible, Yates. Nays 66-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, E. Brown, R. Brown, Bruce, Burch, Chandler, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Hancock, Hardin, Head, Hellard, Holloway, Hopkins, Hughes, Imes, Kafoglis, Karem, Kenton, Kidd, Lewis, Lindsay, Louden, Mann, May, McBee, McBride, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Roberts, Sale, Siemens, Smith, Stewart, Swinford, Thomas, Troop, Vincent, G. White, J. White, Whitfield.

The motion that **HB 314,** by way of Committee Substitute as amended, be laid on the Clerk's desk and be made the first order of business on March 22, 1974 was rejected.

Representative King moved that he be permitted to put an exhibit on the screen.

On the roll call the vote was yeas 41-Blythe, Brewer, Chandler, Clapp, Crupper, Dawahare, Freeman, Gay, Givhan, Guenthner, Hellard, Holbrook, Hurst, Isler, Karem, Kenton, King, Kleier, Lewis, Lindsay, Little, Mason, McBrayer, McGill, Morgan, Nett, Rattliff, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Stephens, Stone, Troop, Turner, Van Horn, Watkins, Whitfield, Wible, Yates. Nays 39-Bennett, Beshear, Blandford, Blume, E. Brown, R. Brown, Bruce, Burch, Clarke, DeMarcus, Denham, Dunn, Foster, Hancock, Hardin, Hopkins, Hughes, Kafoglis, Mann, May, Maynard, McBride, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Roberts, Sale, Siemens, Swinford, Thomas,

Vincent, Wells, G. White, J. White.

The motion that an exhibit be permitted on the screed was adopted.

Representative Paxton moved that **HB 314,** by way of Committee Substitute as amended, be placed upon its passage.

On the roll call the vote was yeas 65-Adams, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, E. Brown, R. Brown, Bruce, Burch, Clarke, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Givhan, Hancock, Hardin, Head, Hellard, Holloway, Hopkins, Hughes, Hurst, Imes, Kafoglis, Karem, Kenton, Lewis, Lindsay, Louden, Mann, Mason, May, Maynard, McBrayer, McBride, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richard, Sale, Siemens, Smith, Stewart, Swinford, Thomas, Troop, Vincent, Wells, G. White, J. White, Whitfield. Nays 26-Arnold, Chandler, Clapp, Crupper, Gay, Guenthner, Holbrook, Isler, King, Kleier, Little, McBee, McGill, Morgan, Roberts, Robinson, Schmaedecke, Schmidt, Sharpe, Stephens, Stone, Turner, Van Horn, Watkins, Wible, Yates.

HB 314, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative Paxton moved that the vote by which **HB 314,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **SR 30, SR 50, SB 18, SB 64, SB 122, SB 246, SB 277, SB 286, HR 31, HB 76** with Amendment, **HB 93, HB 229** with Amendment, **HB 331, HB 372** with Amendment, **HB 376** with Amendment, **HB 407, HB 471, HB 613.**

Orders of the Day (continued)

Representative Swinford moved that consideration of **HB 386, HB 96, HB 397, HB 640, HJR 24, HB 537,** and **HB 487** with Committee Amendment attached thereto, be deferred and that they retain their position in Orders of the Day. Agreed.

HB 655, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the Committee Amendment No. 1 to **HB 655.** Agreed.

Representative Swinford moved the adoption of the following Floor Amendment No. 2 to **HB 655:**

Amend printed copy of **HB 655,** page 6, line 16, by inserting after the word "date" the following words: "of Sections 1 and 2";

and on page 6, below line 17, by inserting a new section:

"Section 4. For the purpose of planning for the implementation of this Act and for the implementation of this Act there is hereby made to the Department for Natural Resources and Environmental Protection the following appropriations out of the general expenditure fund in the State Treasury: the sum of $102,937.00 for the fiscal year 1974-75, any unexpended amount remaining as of June 30, 1975, shall not lapse but shall be carried forward; the sum of $366,479.00 for the fiscal year 1975-76."

Agreed.

Representative Stewart moved the adoption of the following Floor Amendment No. 3 to **HB 655:**

Amend printed copy of **HB 655,** page 6, line 16, by renumbering "Section 3" as "Section 4"

and by adding the following section on page 6 between lines 15 and 16:

"Section 3. A new section of KRS Chapter 350 is created to read as follows:

Nothing in this chapter shall prohibit or change present regulations regarding mountain-top removal method of strip mining coal or the mining of multiple seams of coal, where a lower bench has been created."

On the roll call the vote was yeas 76-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, E. Brown, Bruce, Burch, Chandler, Clapp, Crupper, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Givhan, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hughes, Imes, Isler, Karem, Kenton, Kidd, King, Lewis, Little, Louden, Mann, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Thomas, Troop, Turner, Van Horn, Watkins, J. White, Whitfield, Wible, Yates. Nays 4-Blythe, Kafoglis, Mason, Vincent.

The Floor Amendment No. 3 to **HB 655** was adopted.

Representative Swinford moved that **HB 655** as amended be placed upon its passage.

Representative Roberts moved that **HB 655** as amended be laid on the table.

On the roll call the vote was yeas 22-Adams, Brewer, E. Brown, R. Brown, Bruce, Clapp, Dawahare, Givhan, Hardin, Hurst, May, Maynard, Morgan, Roberts, Robinson, Sharpe, Smith, Stewart, Stone, Turner, J. White, Yates. Nays 51-Arnold, Benson, Beshear, Blandford, Blume, Blythe, Burch, Chandler, Clarke, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Hancock, Head, Hellard, Hopkins, Hughes, Imes, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Mann, Mason, McBride, McGill, Nett, O'Brien, Overstreet, Paxton, Priddy, Reynolds, Richardson, Schmidt, Siemens, Stephens, Swinford, Thomas, Troop, Van Horn, Vincent, Wells, G. White, Whitfield, Wible.

The motion that **HB 655** as amended be laid on the table was rejected.

On the roll call the vote was yeas 59-Adams, Arnold, Benson, Beshear, Blandford, Blume, Blythe, Bruce, Burch, Chandler, Clarke, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Hancock, Head, Hellard, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Little, Mann, Mason, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Reynolds, Richardson, Romines, Schmaedecke, Schmidt, Siemens, Stephens, Swinford, Van Horn, Vincent, Watkins, Wells, G. White, Whitfield, Wible. Nays 23-Brewer, E. Brown, R. Brown, Clapp, Crupper, Davis, Dawahare, Givhan, Hardin, Hurst, Lindsay, May, McBee, Rattliff, Robinson, Sharpe, Smith, Stewart, Stone, Thomas, Turner, J. White, Yates.

HB 655 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 655** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HR 63** and **HB 426** be deferred and that they retain their position in the Orders of the Day. Agreed.

Representative Swinford moved that consideration of **HB 546** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative Stewart moved that the House adjourn until 1:00 p.m., March 12, 1974.

On the roll call the vote was yeas 11-Adams, Blandford, DeMarcus, Hardin, Hurst, McGill, Richardson, Robinson, Stewart, Turner, Watkins. Nays 60-Arnold, Bennett, Benson, Beshear, Blume, Blythe, R. Brown, Bruce, Chandler, Clarke, Crupper, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Hancock, Head, Hellard, Holbrook, Holloway, Imes, Isler, Karem, Kenton, King, Lewis, Louden, Mann, May, Maynard, McBee, McBrayer, McBride, Morgan, Nett, O'Brien, Overstreet, Paxton,

Priddy, Quickert, Reynolds, Romines, Schmaedecke, Schmidt, Siemens, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, G. White, Whitfield, Wible, Yates.

The motion to adjourn was rejected.

Representative Swinford moved that consideration of all remaining bills in Orders of the Day be deferred and that they retain their position. Agreed.

Announcements

Representative Swinford moved that when the House adjourns, it do so until 1:00 p.m., March 12, 1974. Agreed.

Representative Swinford moved that the rules be suspended for the purpose of entertaining adjournment plans. Agreed.

Representative Swinford moved that when the House adjourns, it do so by voice vote. Agreed.

Representative Swinford moved that the rules be suspended for Introduction of Bills and Resolutions, Reference of Bills and Resolutions, Posting of Bills and Resolutions for Consideration, and Report of Committees. Agreed.

Introduction of Bills and Resolutions

HB 867, by Representative Imes: AN ACT relating to higher education.

HB 868, by Representatives O'Brien, Blume, Burch, Maynard, Priddy, Romines, and Yates: AN ACT relating to secondary and rural roads and bridges.

HB 869, by Representatives Kleier, Blythe, O'Brien and Robinson: AN ACT relating to the Civil Air Patrol.

HB 870, by Representative Kenton: AN ACT relating to misdemeanent work release.

HJR 98, by Representatives Dawahare, Adams, Freeman and Van Horn: A JOINT RESOLUTION directing a study of the economic and social needs of the coal mining areas of Kentucky.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Elections and Constitutional Amendments: **SB 183.**

Highways and Traffic Safety: **HCR 94.**

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Business Organizations and Professions: **HB 835, HB 836.**

Highways and Traffic Safety: **HCR 94.**

Appropriations and Revenue: **HB 601, SB 236, SB 219, SB 280, SB 281, HR 80.**

Banking and Insurance: **SB 175, SB 177.**

Elections and Constitutional Amendments: **HCR 78, SB 183, HB 334.**

Labor and Industry: **HB 830.**

Cities: **HB 822, HB 823, HB 832, HB 834, HB 837, HB 840, HB 800, HB 801, SB 57, SB 287.**

Judiciary: **HB 824, HB 825, HB 838, HR 88.**

The Clerk announced the following Bills and Resolutions have been withdrawn from Committee consideration:

Judiciary: **HB 762, HB 763.**

Report of Committees

The Committee on Counties and Special Districts reported **HB 637** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 637, AN ACT relating to fees and compensation of public officers and employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 64.200 is amended to read as follows:

(1) In counties containing a population of over 250,000, for the performance of the duties of his office, each constable shall be exclusively compensated by a salary of *nine thousand six hundred dollars* [not less than five thousand dollars ($5,000) nor more than seven thousand two hundred dollars ($7,200)] per annum to be paid in equal monthly installments out of the county treasury.

(2) Each constable and deputy constable shall daily deliver or cause to be delivered to the recorder for the justice's district in which he holds office all moneys received or collected by him by virtue of his office, or the recorder may receive such moneys for the officer, and in either event the recorder shall daily issue to each officer a receipt for moneys received from or for him. Each recorder shall keep such records of each daily transaction, in such manner and form, and showing such information, as the fiscal court of the county requires.

(3) All moneys received or collected on account of or resulting from the performance of the duties or the exercise of the powers incident to the offices of constable and deputy constable shall be paid into the county treasury.

(4) Before the tenth day of each calendar month the recorder for each justice's district shall prepare a sworn statement showing the correct amounts of money received or collected during the next preceding calendar month from the administration of the offices of constable and deputy constable. The statement shall be in the form and shall disclose the information required by the fiscal court. Each monthly statement, and as many copies thereof as the fiscal court may require, shall be subscribed and sworn to by the recorder. On or before the tenth day of each calendar month each recorder shall deliver one or more copies of the monthly statement to the fiscal court, or such person as the fiscal court designates, and at the same time deliver by certified check, payable to the order of the county treasurer, the total sum of money received by the recorder under the provisions of this section during the next preceding calendar month. During the interims between such monthly statements each recorder shall safely preserve the funds coming into his hands by virtue of this section in a bank designated by the justice of the peace, which bank shall duly execute a depository bond in a sufficient amount to cover monthly balances.

Section 2. KRS 64.210 is amended to read as follows:

Fiscal courts of counties containing a city of the first class shall authorize the payment of *two hundred ($200.00) dollars* [seventy-five dollars ($75.00)] per month out of the county treasury to constables and deputy constables using their own automobile in the performance of their official duties.

Announcements

The following meetings were announced:

Committee on Judiciary, 11:00 a.m., March 12, 1974, Room 305A.

Mountain Delegation, 11:30 a.m., Court Room.

Committee Chairmen, Speaker's office, March 12, 12:30 p.m.

Committee on Highways and Traffic Safety, 10:00 a.m., Room 305A.

Committee on Cities, 10:00 a.m., Room 307.

Committee on Labor and Industry, 9:00 a.m., Room 305.

The following members filed Floor Amendments to Bills and Resolutions: Representative Nett, No. 1 to **SB 206;** Representative Karem, No. 1 to **HB 576;** Representative Schmidt, No. 2 to **HB 535;** Representative Siemens, No. 1 to HB 693; Representative Burch, No. 1 to **SB 262;** Representative Nett, No. 1 to HB 685; Representative Nett, No. 2 to **SB 206;** Representative Burch, No. 2 to **SB 114;** Representative Yates, No. 1 to **HB 644;** Representative Donnermeyer, No. 2 to **HB 539;** Representative Kafoglis, No. 3 to **HB 539;** Representative O'Brien, No. 4 to **SB 206;** Representative O'Brien, No. 5 to **SB 206;** Representative Benson, No. 3 to **SB 114.**

Adjournment

Representative Swinford moved that the House adjourn until 1:00 p.m., Tuesday, March 12, 1974. Agreed.

TUESDAY, MARCH 12, 1974

FIFTY-FIRST LEGISLATIVE DAY

The House was called to order by Speaker Blume.

Prayer by Reverend Beryl Spross, Church of the Nazarene, Frankfort.

The roll was called. All present except Representatives Harris and Stone.

Representative Isler moved that absent members be granted leave of absence in accordance in accordance with the rules of the House. Agreed.

The following members filed excuses: Representatives Harris and Stone.

Representative Hughes moved that the reading of the Journal of March 11, 1974, be dispensed with and the same approved. Agreed.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Agriculture and Natural Resources: **SJR 50, SB 122.**

Appropriations and Revenue: **HB 845, HB 852, SB 278.**

Banking and Insurance: **HB 847, HB 864, SB 64.**

Business Organizations and Professions: **SR 30, SB 246, SB 305.**

Cities: **HB 856, HB 857, HB 858, HB 863, SB 286, SB 285, SB 296.**

Counties and Special Districts: **HB 848.**

Education: **HB 846, HB 859, HB 860, HB 867, SB 18, SB 276, SB 306.**

Health and Welfare: **HB 862, SB 297.**

Highways and Traffic Safety: **HB 868.**

Judiciary: **HB 850, HB 870, SB 277.**

Labor and Industry: **HB 854, HB 866.**

State Government: **HB 849, HB 851, HB 853, HB 855, HB 861, HB 865, HB 869, SB 275.**

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Education: **HB 844, SB 250, SB 252.**

Report of Committees

The Committee on Rules reported the following Bills and Resolutions have been posted for passage in Orders of the Day, March 13, 1974: **SB 73, HB 564, HB 361, HB 259, HR 67, HB 136** with Committee Substitute attached thereto, **HB 378** with Committee Amendment attached thereto, **HB 400** with Committee Amendment attached thereto, **HB 447** with Committee Amendment attached thereto, **HB 492, HB 495** with Committee Amendment attached thereto, **HB 502** with Committee Substitute attached thereto, **HB 545** with Committee Amendment attached thereto, **HB 616, HB 709, HB 718, HB 734, HB 747,** and **HR 41.**

The Committee on Rules reported **HB 235** has been recommitted to the Committee on Appropriations and Revenue for fiscal analysis.

The Committee on Rules reported **HB 714** has been recommitted to the Committee on Judiciary for study of form and legality.

The Committee on Appropriations and Revenue reported **HB 84,** with Committee Amendment attached thereto, and **HB 601** with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee Amendment to **HB 84** is as follows:

Amend printed copy of House Bill 84 page 1, line 10, by adding a new Section 2.

"Section 2. A new section of KRS Chapter 205 is created to read as follows:

(1) Section 1 of this Act shall become operative on a month by month, statewide basis upon a determination by the Secretary of the Department for Human Resources that the following conditions exist:

(a) The statewide rate of unemployment in Kentucky, as published by the Department for Human Resources in cooperation with the U. S. Department of Labor, Bureau of Labor Statistics, exceeded six (6) percent based upon the previous four (4) months moving average;

(b) The assistance authorized under the provisions of Section 1 of this Act is eligible for Federal financial participation under Title IV of the Social Security Act or other Federal law;

(c) The programs described in the Executive Budget for 1974-76 and funded in House Bill 288 of the 1974 General Assembly will not be adversely effected by implementing the provisons of Section 1 of this Act;

(d) The assistance authorized under the provisions of Section 1 of this Act can be implemented by the Department for Human Resources without increasing the total general fund appropriation for that department, plus any additional funds that may be allotted under Part Six (6), Paragraph 13 of House Bill 288 of the 1974 General Assembly; and

(e) Part Six (6), Paragraph 14 of House Bill 288 of the 1974 General Assembly shall apply to the provisions of this Act.

(2) Section 1 of this Act shall become inoperative when the statewide rate of unemployment in Kentucky, as published by the Department for Human Resources in cooperation with the U. S. Department of Labor, Bureau of Labor Statistices, drops below 5.5 percent based upon the previous four (4) months moving average.

(3) Section 1 of this Act shall become effective July 1, 1975."

The Committee on Appropriations and Revenue reported **HB 419, HB 436, HB 472, HB 677, HB 785, HB 817** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 419, AN ACT relating to individual income tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 141.021 is amended to read as follows:

Notwithstanding the provisions of KRS 141.010, federal military [and federal civil service] retirement annuities shall be excluded from the gross income of persons *50* [65] years of age or older, *and federal civil service retirement annuities shall be excluded from the gross income of persons 65 years of age or older,* subject to the following limitations:

If Earned Income From Sources Other Than Annuities Described Above Is:	The Maximum Annuity Exclusion Is:
$3,000 or Less	$4,000
3,001 to 4,000	3,000
4,001 to 5,000	2,000
5,001 to 6,000	1,000
Over 6,000	0

HB 436, AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 132.810 is amended to read as follows:

(1) To qualify under the homestead exemption provision of the Constitution, each person claiming the exemption shall file an application with the property valuation administrator of the county in which the applicant resides, on forms prescribed by the Department of Revenue, by March 1 of the year in which he becomes eligible for the exemption. *The assessed value of property on which homestead exemption is claimed shall not be increased because of valuation expressed on the application form filed with the property valuation administrator, and whenever it becomes known that the valuation of property subject to the homestead tax exemption has been increased because of valuation expressed on the application form, adjustment shall be made the following year so that the total tax paid by the taxpayer is the same as if the increase had not been made.*

(2) (a) Every person filing an application for exemption under the homestead exemption provision must be sixty-five years of age or older by January 1 of the first year for which application is made.

(b) Every person filing an application for exemption under the homestead exemption provision must own and maintain the property for which the exemption is sought as his personal residence.

(c) Only one exemption per homestead shall be allowed regardless of the number of residents sixty-five years of age or older occupying said homestead[.], *but the $6,500 exemption shall be construed to mean $6,500 in terms of the purchasing power of the dollar in 1972. Every two (2) years thereafter, if the cost of living index of the United States Department of Labor has changed as much as one (1) per cent, the maximum exemption shall be adjusted accordingly.*

(d) When a homestead is owned by more than one person as joint tenants, tenants by the entirety, or tenants in common, the exemption applies only when all owners are sixty-five years of age or older and the homestead is maintained as a residence of all of the owners, or the joint owner is the spouse of an eligible applicant. *When a duplex is owned jointly by two (2) persons, each of whom is sixty-five (65) or older or has a spouse who is sixty-five (65) or older, and when each of the owners lives in a separate apartment in the duplex, the exemption shall apply to each of them as if they each owned a homestead.*

(e) The renting of a room or rooms in a residence that otherwise qualifies for the homestead exemption does not constitute violation of the single unit residence restriction where such renting of rooms is merely incidental to use of the premises as a single family residence.

(f) A mobile home may qualify as a single unit residence for purposes of the homestead exemption provision provided the mobile home is classified as real property as defined in KRS 132.750.

(g) When title to property which is exempted, either in whole or in part, under the homestead exemption is transferred, the owner, administrator, executor, trustee, committee, curator or agent shall report such transfer to the property valuation administrator.

(3) Notwithstanding any statutory provisions to the contrary, the provisions of this section shall apply to the assessment and taxation of property under the homestead exemption provision for state, county, city or special district purposes.

HB 472, AN ACT relating to motor vehicle usuage tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 138.450 is amended to read as follows:

As used in KRS 138.460 and 138.470, unless the context requires otherwise:

(1) "Dealer" means any person engaged in the sale of motor vehicles at retail;

(2) "Motor vehicle" means any vehicle that is propelled by other than muscular power and that is used for transportation of persons or property over the public highways of the state, except road rollers, vehicles that travel exclusively on rails, and vehicles propelled by electric power obtained from overhead wires;

(3) "Retail price" for new motor vehicles shall be the manufacturer's suggested retail price of the vehicle with all equipment and accessories, standard and optional, and transportation charges; for used motor vehicles it shall be determined by the retail value given in the automotive reference manual prescribed by the department of revenue *;for wrecked or rebuilt motor vehicles it shall be determined by an appraisal by either the county property valuation administrator or the department of revenue* . In the case of used motor vehicles previously registered in this state, which are sold in this state, a trade-in allowance equal to the value of the vehicle taken in trade as sworn to by the seller not to exceed the fair market value of the vehicle taken in trade shall be deducted in computing the retail price of the vehicle sold.

HB 677, AN ACT relating to liquified petroleum gas.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 234.321 is amended to read as follows:

(1) The tax imposed by KRS 234.320 shall not be collected from July 1, *1974* [1972], until July 1, *1976* [1974], when the liquefied petroleum gas sold by the dealer is used to propel motor vehicles on the public highways, either within or without this state, when the motor vehicles using the liquefied petroleum gas are equipped with carburetion systems approved by the Department of Health.

(2) The Department of Health shall establish emission standards for carburetion systems.

Section 2. The effective date of this Act shall be July 1, 1974.

HB 785, AN ACT relating to finances and the common schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 160.470 is amended to read as follows:

(1) Each district board of education shall prepare a general school budget on forms prescribed and furnished by the state board of education, showing the amount of money needed for current expenses, debt service, capital outlay, and other necessary expenses of the schools during the succeeding fiscal year, the estimated total amount that will be received from the common school fund and other sources, the assessed valuation of property subject to local taxation in the school district furnished as provided in subsection (3) of KRS 160.460, an estimate made by the department of revenue of public service company assessments and assessments of other property in the school district not furnished under the provisions of subsection (3) of KRS 160.460, and the amount that will be needed to be raised by local taxation, including the rate of levy necessary to raise such an amount.

(2) Notwithstanding any statutory provisions to the contrary, no district board of education shall submit a budget which would require more revenue from local ad valorem taxes than would be produced by application of the preceding year's rate to the preceding year's assessment, exclusive of voted levies and net assessment growth as defined in KRS 132.425, except as provided in subsection (3) of KRS 157.380 and as provided in subsection (4) of this section. In the event of a merger of school districts, the limitations contained in this section shall be based upon the combined revenue of the merging districts, as computed under the provisions of this section.

(3) The superintendent of public instruction shall certify to each district board of education, by June 1 of each year, the maximum permissible local ad valorem tax revenue. This amount shall be computed as follows:

(a) The superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the preceding year's rate to the preceding year's assessment.

(b) The superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the preceding year's effective tax rate to the net assessment growth in each school district. The net assessment growth as determined in accordance with KRS 132.425 shall be certified to the superintendent of public instruction by the department of revenue by May 20 of each year.

[(c) The superintendent of public instruction shall compile a list of those school districts in which the general fund ad valorem tax for the 1965-1966 school year was levied at a rate less than the $1.50 maximum then authorized by KRS 160.475. The superintendent of public instruction shall then calculate for each such district the revenue that would have been produced for the 1965-1966 school year if such tax had been levied at the $1.50 rate. He shall then re-calculate the maximum permissible local ad valorem tax revenue that would have been authorized for each such district for the 1966-1967, 1967-1968, 1968-1969 and 1969-1970 school years as though the 1965-1966 tax had been levied at the $1.50 rate, including in such re-calculation the revenue that would have been derived from taxation of net assessment growth under paragraph (b) of this subsection and the revenue that would have been derived from any percentage increases actually adopted by the district under subsection (4) of this section. The maximum permissible local ad valorem tax revenue so re-calculated for the 1969-1970 school year shall, for such districts, be deemed the total amount of ad valorem tax revenue to be determined by the superintendent for the 1970-1971 school year under paragraph (a) of this

subsection.]

(c)[(d)] The sum of the amounts computed under paragraphs (a) and (b) of this subsection shall be the maximum permissible local ad valorem tax revenue for purposes of subsection (2) of this section, except as otherwise therein prescribed.

[(e) Any school district which is not contemplating capital construction and which is eligible for the increase allowed in paragraph (c) of this subsection may elect to take advantage of the increase in equal stages over a period of three years.]

(4) Notwithstanding the limitations contained in subsection (2) of this section, any district board of education which in preparing its proposed budget deems that it will require an amount of revenue greater than that permitted in subsection (2) of this section *and has a tax levy for school purposes excluding special voted and sinking fund levies of less than fifty cents* may submit to the levying authority for the school years *1974-1975 and 1975-1976* [1966-1967 and 1967-1968] a budget which could require an increase in such *ad valorem tax levy of up to five cents annually on each one hundred dollars of property subject to local taxation providing such levy does not cause the total tax rate for school purposes other than special voted and sinking fund levies to exceed fifty cents on each one hundred dollars of property subject to school taxation.* [revenue of not more than 10 per cent after compliance with the following:]

[(a) The district board of education shall give notice of any proposed increase in revenue. Notwithstanding any statutory provisions to the contrary, notice shall be given by causing to be published, at least one (1) time in a newspaper of general circulation published in the county or by posting at the courthouse door if there be no such newspaper, the fact that said increase of not exceeding 10 per cent is being proposed. Said advertisement shall state that the district board of education will meet at a place and on a day fixed in the advertisement, not earlier than one (1) week and not later than two (2) weeks from the date of the advertisement, for the purpose of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposal.]

[(b) The district board of education shall conduct a public hearing at the place and on the date advertised for the purpose of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposal.]

(5) Three (3) copies of the budget shall be filed with the clerk of the tax-levying authority of the district within three (3) days after the district board of education has received its assessment data. The clerk shall present the budget to the proper tax-levying authority when the authority convenes to fix its school levy. The failure of the district board of education to furnish the budget within the time prescribed shall not invalidate any levy made thereafter.

(6) Within three (3) days after the tax-levying authority has fixed the tax rate, the district board of education shall forward two (2) copies of the budget to the state board of education for its approval or disapproval. The budget shall be disapproved if it is financially unsound or fails to provide for: (a) Payment of maturing principal of and interest on any outstanding voted school improvement bonds of the school district authorized and issued pursuant to KRS 162.080 and 162.090, with the written approval of the state board of education, or (b) Payment of rentals in connection with any outstanding school building revenue bonds issued for the benefit of the independent school district or county school district, as the case may be, by the appropriate city or county as authorized and provided under the provisions of KRS 162.120 to 162.300, with the written approval of the state board of education, or fails to comply with the law; and the state board of education shall state its reason, or reasons, for such disapproval. In such event the district board of education shall amend its budget, within the limitations of this section, to obviate the reasons for disapproval.

(7) If the budget as amended specifies a tax levy different from that levied under the disapproved budget, the tax-levying authority shall amend its levy in accordance therewith, so that the levy as amended shall comply with the provisions of subsection (1) of KRS 160.460. No general school budget shall become effective until approved by the state board of education.

(8) Each district board of education shall, if required by the state board of education, prepare and submit to it not later than September 15, a close estimate or working budget which shall conform to the rules and regulations prescribed by the state board of education, and which shall be consistent in its major divisions with the general school budget previously prepared.

HB 817, AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART I

Section 1. A new section of KRS Chapter 132 is created to read as follows:

The property valuation administrator, when assessing motor vehicles as defined in KRS 186.010 or other vehicles as defined in KRS 186.650, required to be registered for use upon the highways, which it is his duty to assess, shall include upon the assessment records, as part of the description of the vehicle, the current year's registration number of each vehicle.

Section 2. A new section of KRS Chapter 133 is created to read as follows:

The county clerk, shall prepare a tax bill for each motor vehicle as defined in KRS 186.010 or vehicle as defined in KRS 186.650 at the same time and in the manner as required for other tax bills by KRS 133.220 and shall include thereon the registration number of each vehicle as shown on the assessment records.

Section 3. A new section of KRS Chapter 134 is created to read as follows:

(1) All state, county and district taxes on motor vehicles as defined in KRS 186.010 or other vehicles as defined in KRS 186.650 subject to assessment by the property valuation administrator, shall be due and payable on September 15 following the assessment.

(2) Any taxpayer who pays his state, county and district taxes on his motor vehicle or other vehicle assessed by the property valuation administrator, by November 1 after they become due in any year shall be entitled to two percent discount thereon, and the sheriff shall allow the discount and give a receipt in full to the taxpayer.

(3) All state, county and district taxes on motor vehicles as defined in KRS 186.010 or other vehicles as defined in KRS 186.650 assessed by the property valuation administrator shall become delinquent on November 30 following their due date and shall be subject to a penalty of six percent of the taxes due and unpaid.

(4) The sheriff shall by December 15 each year file a notice of lien for the state, county and taxing districts, with the county clerk on any delinquent tax bill for motor vehicle or other vehicle assessed by the property valuation administrator on forms prescribed by the Department of Revenue, in the same manner as certificates of delinquency against tax claims containing real property are filed. The sheriff shall add the filing fees provided in subsections (5) and (6) of this section to each tax bill and retain such bills in his possession until paid or, if they remain unpaid, until the time of his annual settlement with the county and state. At the time of filing the liens the sheriff shall provide the clerk with a numerical listing by motor vehicle or vehicle registration number of all bills on which liens are filed and certify to the clerk that he has filed liens on all delinquent motor vehicle and other vehicle tax bills in his possession.

(5) As compensation for his services in filing liens required by subsection (4) the sheriff shall receive one dollar for each lien filed.

(6) The county clerk shall record the liens provided in subsection (4) of this section, in the same manner as notices of lis pendens are recorded. As compensation for his services in recording liens, the clerk shall receive one dollar for each lien filed. In addition, to the filing fee provided by this subsection the clerk shall receive a fee of one dollar for releasing each lien. The fees of the sheriff and the clerk shall become a part of the lien as an added cost to the delinquent taxpayer and shall be added by the sheriff to the delinquent bill. From the total amount of property taxes collected the sheriff shall withhold an amount necessary to compensate the county clerk for recording the notice of liens on delinquent property tax bills on motor vehicles or other vehicles provided for in subsection (4). The sheriff shall deduct a proportional amount from his reports of collection to each taxing jurisdiction or district and he shall receive credit on his final settlement with state, county, and other taxing districts for the amount of fees added for him and the clerk to delinquent tax bills from each taxing district for whom a lien was filed.

(7) When a motor vehicle as defined in KRS 186.010 or vehicle defined in KRS 186.650, subject to taxation as of January 1 of the current year is transferred before the taxes for the current year are due the purchaser shall become liable for the tax.

Section 4. A new section of KRS Chapter 186 is created to read as follows:

(1) The county court clerk shall not register any motor vehicle, as defined in KRS 186.010, or vehicle, as defined in KRS 186.650 or any other vehicle which is, or hereinafter may be required to be registered by him for use upon the public highways, without proof of payment of any ad valorem tax which may have been properly levied for the year preceding that for which registration is sought or that the vehicle was not subject to assessment and taxation in Kentucky for the preceding year.

(2) For purposes of this Act, when the sheriff has filed the liens and made the proper certification as required by subsection (4) of Section 3 of this Act, the absence of a lien shall be prima facie evidence that the taxes have been paid.

(3) When the owner of a motor vehicle or other vehicle requests registration of said vehicle in a county other than that in which the vehicle was registered for the preceding year the county clerk shall require proof of residence of the person seeking registration and such other evidence as may be necessary to determine that there is no outstanding tax lien on such vehicle in this state.

(4) Attempts to register any vehicle in any county in Kentucky other than that in which the vehicle was registered for the preceding year without proof that there are no outstanding tax liens on such vehicle shall be considered as an attempt to evade the tax and the person attempting such registration shall be fined no less than ten dollars or more than five hundred dollars.

Section 5. A new section of KRS Chapter 136 is created to read as follows:

(1) When filing the reports required by KRS 136.130 and KRS 136.140 each public service company shall provide the Department of Revenue with a listing of all motor vehicles as defined in KRS 186.010 or vehicle as defined in KRS 186.650 registered by said company in the Commonwealth, the county of registration and the current registration number.

(2) When a tax bill for local levies based upon a certification by the Department of Revenue under KRS 136.180 becomes delinquent, the sheriff shall file a lien or liens as provided in subsection (4) of Section 3 of this Act on any motor vehicles or other vehicle of the taxpayer that are registered in the county, and the county clerk shall record such lien as provided in subsection (6) of Section 3 of this Act and perform such other duties related thereto as may be required by this Act.

(3) The Department of Transportation shall not register any motor vehicle required to be registered under the provisions of KRS 186.281, without proof of payment of any ad valorem taxes which may have been properly levied for the year preceding that for which registration is sought or that the vehicle was not subject to assessment in Kentucky for the preceding year.

(4) The provisions of subsection (1) of Section 4 and subsection (3) of this section shall not apply to non-domiciled carriers engaged in interstate commerce or any non-domiciled motor vehicle or vehicle registered with the county clerk or the Department of Transportation under a reciprocity agreement with another state.

PART II

Section 6. The provisions of this Act shall become effective with the assessment as of December 31, 1974, or January 1, 1975, and the registration of vehicles for 1976.

PART III

Section 7. If any provision, clause, or phrase of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of this Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are declared to be separable.

The Committee on Cities reported **HB 606, HB 674, HB 681, HB 686, HB 735, HB 742, HB 744, HB 752, HB 759, HB 775** with Committee Amendment attached thereto, **HB 790, HB 822, HB 834, SB 110, SB 157,** and **SB 260** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 606, AN ACT changing the classification of Wilder in Campbell County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the city of Wilder, in Campbell County, is such as to justify its being assigned to the sixth class of cities.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The city of Wilder, in Campbell County, is transferred from the fifth to the sixth class of cities.

HB 674, AN ACT relating to city attorneys and prosecuting attorneys in a city of third class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 69.480 is amended to read as follows:

The legislative body of each city of the third class, except those operating under the commission or city manager form of government, shall, at its first regular meeting or within one (1) month thereafter, appoint a city attorney, who shall hold office for two (2) years and until his successor is elected and qualified , *except where the legislative body of the city has elected to merge the office with that of the prosecuting attorney*

pursuant to this Act. The city attorney must, at the time of his election, be a qualified voter of the city and have been a licensed practicing attorney for five (5) years. No person shall be eligible to the office of city attorney who is a stockholder, officer, agent, attorney or employe of any corporation or person holding any franchise under or having a contract with the city.

Section 2. A new section of KRS Chapter 69 is created to read as follows:

(1) A city of the third class may, by ordinance, merge the office of city attorney with the office of prosecuting attorney;

(2) If the city elects to do so, the prosecuting attorney shall assume the duties of the city attorney.

HB 681, AN ACT relating to criminal and penal jurisdiction of police court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 26.010 is amended to read as follows:

Except as provided in KRS 167.990, 208.020, subsection (4) of 208.990 and 242.990, police courts in cities of every class have jurisdiction exclusive of circuit courts in all penal and misdemeanor cases where the punishment is limited to a fine of not more than twenty dollars ($20.00), jurisdiction concurrent with circuit courts of all penal and misdemeanor cases where the punishment is limited to a fine of not more than *one thousand dollars ($1,000)* [five hundred dollars ($500)], or imprisonment not exceeding twelve (12) months, or both, and exclusive jurisdiction of all violations of city ordinances occurring within the city limits.

HB 686, AN ACT changing the classification of the city of Minor Lane Heights, in Jefferson County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the city of Minor Lane Heights, in Jefferson County, is such as to justify its being classified as a city of the fifth class,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The city of Minor Lane Heights, in Jefferson County, is transferred from the sixth to the fifth class of cities.

HB 735, AN ACT relating to fire prevention and protection; adoption of local standards of safety.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 227.320 is amended to read as follows:

Any [The authorities of any] county, city or other political subdivision may adopt [and enforce] the standards of safety promulgated by the commissioner of public safety *or other standards of safety, and may enforce them through* , [by] its respective police force, and may enter upon private property to enforce required fire lane open space in parking lots containing space for ten (10) or more vehicles. Whenever the commissioner, by rules and regulations prescribes a standard of safety from fire loss, such rules and regulations shall establish a minimum requirement concerning the matters covered thereby and shall be so construed in relation to any local rules and regulations. *Provided, however, nothing contained in this section shall be construed as preventing a city of the first class, for the purpose of rehabilitation, from enacting electrical wiring and equipment standards for existing single and multiple family dwellings and commercial establishments which are less stringent than those prescribed for new structures or those promulgated pursuant to KRS 227.300.*

HB 742, AN ACT relating to extension of civil service classifications.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 90.210 is amended to read as follows:

The board, without additional compensation, shall perform, under and pursuant to the provisions of KRS 90.110 to 90.230, the same services and duties provided for herein, for any department, board or agency of such city or any joint board or joint agency of such city and such county, in which said city is located, if and when [by statute or] by action of the *legislative* governing body *of the city, or the legislative governing bodies of the city and county or by action of the governing body* of any independent agency, *where appropriate,* the personnel or part or parts thereof of such department, board or agency, or joint board or joint agency, is placed under the merit system, *and is thereby subjected to* [. And it is further provided that any independent agency of the city government may adopt] the provisions of KRS 90.110 to 90.230 covering such offices, positions or classes of positions, or places of employment, in such agency, as the governing body of such agency may designate. When the provisions hereof shall have been extended *in the manner provided for in this section* [by statute, or by action of the governing body of any independent agency,] then all of the provisions of KRS 90.110 to 90.230 shall be applied to such offices, positions, and places of employment, in such departments, boards, agencies, and joint boards or joint agencies, the same as if originally included herein. The date of any extension of the provisions of KRS 90.110 to 90.230 to include additional offices, positions, or classes of positions, or places of employment, shall be considered as the effective date of those sections with respect thereto, and employes then holding such offices, positions, or places of employment, thereby made subject to the provisions of KRS 90.110 to 90.230, shall be considered as having satisfied all of the qualifications for obtaining original appointment under those sections, and shall be considered as having been given probationary appointments as defined in KRS 90.110, as of the date they are thus placed in the classified service hereunder.

HB 744, AN ACT relating to city civil service boards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 90.120 is amended to read as follows:

(1) There is created and established in cities of the first class a civil service board to be known as .... Civil Service Board. The board consists of *seven* [five] members of whom *six* [four] shall be appointed by the mayor and the mayor is the *seventh* [fifth] member ex officio. [The mayor, as ex officio member, shall not have the right to vote except when necessary to break a tie.] The appointive members shall be selected equally from the two (2) political parties casting the highest and the next highest number of votes at the last preceding general election. All members shall be appointed for a four (4) year term. Vacancies created by death, resignation and otherwise shall be filled for the unexpired portion of the term only. Any member of the board appointed according to the provisions of this section shall be eligible for reappointment unless his reappointment would offend the equal political division of said board.

(2) No member of the board shall be eligible for any appointive office of the city while a member of the board, or for one (1) year thereafter. If a member of the board becomes a candidate for an elective office, he thereby vacates his position as a member of the board.

(3) Any member of the board may be removed by the mayor, for cause, after hearing by the mayor, and after at least ten (10) days' notice in writing has been given to the member, which notice shall contain a copy of charges preferred against him. At the hearing he may be represented by counsel. The finding of the mayor shall be final and removal results in vacancy in such office.

HB 752, AN ACT changing the classification of the city of Taylor Mill, in Kenton County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the city of Taylor Mill, in Kenton County, is such as to justify its being classified as a city of the fourth class;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the city of Taylor Mill, in Kenton County, be transferred from the fifth to the fourth class of cities.

HB 759, AN ACT changing the classification of the City of Washington in Mason County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Washington in Mason County is such to justify its being classified as a city of the fifth class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The City of Washington in Mason County is transferred from the sixth to the fifth class of cities.

HB 775, AN ACT relating to delinquent taxes in cities of the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 91.480 is amended to read as follows:

(1) If no personal property is reasonably available out of which the tax bill can be collected by distraint, the tax receiver shall sell, for cash, a sufficient amount of the real property belonging to the taxpayer to pay the tax, penalties, interest and costs, subject to the provisions of KRS 91.550. *As a condition and consideration of said sale, the purchaser shall be required to improve and repair such property to bring it into compliance with applicable building and housing codes as provided in KRS 91.500(4).* The sale shall be at public auction, in the same manner that property is sold under execution, except that the sale shall be had at the door of the city hall of the city in which the land lies, and the land need not be appraised or levied on. The sale shall be advertised by posting for fifteen (15) days before the sale a written or printed notice at the city hall door, and by publication pursuant to KRS chapter 424.

(2) The tax receiver shall, not less than fifteen (15) days before the sale, mail *a written notice to the taxpayer* [to the taxpayer a postal card] addressed to his residence or place of business, if it can be ascertained, notifying him of the time and place of the sale. *At the same time he shall mail a written notice to all mortgage and other real estate lien holders of record to their address shown on record or to their last known address notifying them of the time and place of the sale.* In order to cover the cost of the advertisement and notification, the tax receiver shall collect a fee of two dollars ($2.00) from each person whose property is advertised, and shall pay the fee into the city treasury. In no event shall the city pay the fee.

(3) The failure of the tax receiver to send or of the taxpayer to receive the notice of sale required by subsection (2) of this section shall not invalidate the sale or any subsequent proceedings thereunder, and no levy or attempted levy upon personal property shall be necessary to validate any sale of real property, whether for taxes on real property, personal property or both.

Section 2. KRS 91.490 is amended to read as follows:

(1) The tax bill, when unpaid in whole or in part, shall give sufficient power for distraints and sales under KRS 91.470, [and] 91.480 *and 91.500*, and all subsequent proceedings thereunder, and no warrant shall be required. Such tax bill shall have the force and effect of an execution issued upon a judgment, in addition to the tax lien.

(2) The tax receiver shall in each case make, out of the property of the taxpayer sold under a tax bill, the amount of the tax bill or the unpaid part thereof, with interest at the rate of one-half of one per cent (.5%) per month or fraction of a month from May 1 next preceding, and ten per cent (10%) penalty on the face of the bill.

(3) If any person, at a sale of property for city taxes, bids the amount to be raised but does not pay it, the tax receiver shall immediately resell the property.

(4) If any purchaser of property sold for city taxes as provided under KRS 91.500 does not comply with the requirements of KRS 91.500(4), the tax sale shall be void and the tax receiver shall immediately

resell the property.

Section 3. KRS 91.500 is amended to read as follows:

(1) A city may at the sale of real property for city taxes purchase the property upon submission of a competitive bid.

(2)[(1)] If at any sale of real property for city taxes no one (1) will purchase the property for a price sufficient to cover the taxes, interest, penalties and costs of sale, including the cost of advertising *and with the condition and in consideration of making such improvements and repairs as required under subsection (4) of this section*, the tax receiver shall purchase the property for the city for the amount of the taxes, interest, penalties, costs of sale and advertising.

(3)[(2)] When the city has received a deed and has possession of any real estate purchased for it at a tax sale, the director of finance may advertise and sell the property at public auction, and convey it by deed to the purchaser. The board of aldermen may by ordinance direct the time and manner of sale. The city shall not hold any such property acquired through a tax sale, except such as is proper and necessary for public purposes, for more than five (5) years from the time it acquires title, and if it does not sell and convey the property within that time the title shall escheat to the state.

(4) Upon the sale of any real property sold for city taxes, the Department of Building and Housing Inspection shall immediately inspect the property to determine if it is in compliance with applicable building and housing codes. If the property is found not to be in compliance with the codes, the purchaser shall be notified and required, pursuant thereto, to repair and improve such property to bring it into compliance within a reasonable period of time, such period of time to be determined by the director of the Department of Building and Housing Inspection, but in no event to exceed two years from the date of the sale.

Section 4. A new section of KRS 91.505 is created to read as follows:

No action shall be maintained against the city by any mortgage or other real estate lien holder to enforce the provisions of any such mortgage or real estate line held upon any property purchased by the city at a tax sale, unless notice has been given to the mayor, city clerk or clerk of the board of aldermen, in the manner provided for the service of notice in actions in the Rules of Civil Procedure. This notice shall be filed within 90 days from the date of the sale advertised and held, pursuant to the provisions of KRS 91.480, and shall state the date of the mortgage or other real estate lien, the property described, the book and page in which it is recorded in the County Court Clerk's office.

Section 5. KRS 91.510 is amended to read as follows:

(1) The owner of any real property sold for city taxes, or his heirs, representatives or assigns, shall have the same right to redeem such property from the purchaser thereof as is provided by law in the case of real property sold under execution, by paying to the tax receiver the amount of the purchase price at the sale, with interest thereon at the rate of one per cent (1%) per month, or fraction thereof, from the date of sale, and in case the land is not redeemed before April 1 next succeeding the sale, by paying a further penalty of five per cent (5%) upon the purchase price*; and the value of any improvements made on the property pursuant to KRS 91.500(4)*. In the case of an adult owner the redemption must be made within two (2) years from the date of sale, and in the case of an infant owner it must be made within one (1) year after he becomes of age. During the period allowed for redemption, or until redemption, the property shall be assessed for subsequent tax levies in the name of the delinquent taxpayer, and during that time the property shall not be sold for the collection of such later tax bills, but the delinquent taxpayer shall be required, on redeeming the property, to pay those bills, with interest and penalties, in addition to paying the purchase price, with interest and penalties, *and for the value of improvements*, as above required.

(2) All money paid in redemption of real property sold for city taxes shall be paid to the tax receiver, who shall account for the money in the same manner and to the same officer as in the case of regular tax collections, except that when the purchaser at a tax sale is not the city the tax receiver shall pay over to the purchaser, upon proper receipt, the amount of the purchase price, with interest and penalties thereon, *and the amount of the improvements made pursuant to KRS 91.500(4)*. All money paid by the delinquent taxpayer at the time of redemption in discharge of tax bills on assessments made against the property subsequent to the tax for which the sale was had shall be accounted for by the tax receiver as other tax collections.

(3) The tax receiver shall, by postpaid letter or card, promptly notify the purchaser at a tax sale of the redemption of the land purchased by him.

The Committee Amendment to **HB 775** is as follows:

Amend printed copy of House 775 page 2, lines 3 and 7, by inserting "by certified mail" after mail in line 3, and inserting "by certified mail" after mail in line 7.

HB 790, AN ACT relating to city civil service.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 90.150 is amended to read as follows:

(1) The classified service covered by KRS 90.110 to 90.230, and hereby placed under the jurisdiction of the board, includes all offices, positions, and places of employment, except as herein provided, in the following departments and agencies in the service of the city, to wit: The department of public safety, the department of public health, the department of public welfare, and the civil service board. If any of such offices, positions or places of employment are transferred to or combined or consolidated with any other department or agency of or serving the city, the offices, positions or places of employment shall continue to be covered by KRS 90.110 to 90.230. The classified service also includes all other offices and positions and places of employment in other departments or agencies of the city or serving the city to which the classified service may be hereafter extended pursuant to the provisions of KRS 90.210, or any other law.

(2) The following offices, positions, and places of employment, in the departments and agencies hereinabove specifically named, are excluded from the classified service, to wit:

(a) The director of safety and the following positions in that department, to wit: *the director of safety's staff, including, but not limited to assistants and his* private secretary, the chief of police, assistant chief of police, chief of detectives, chief of firemen, assistant chief of firemen; superintendent and animal catchers, and caretakers, in the division of city pound; supervising inspector of weights and measures, and inspector of weights and measures, and deputy inspector, in the division of weights and measures.

(b) The director of health and the following positions in that department, to wit: Private secretary, kitchen helpers, cleaners, waitresses, housemaids, janitresses, laundresses, hospital resident medical staff, university visiting staff, student nurses, bona fide university students.

(c) The director of welfare and the following positions in that department, to wit: Private secretary, janitors, cleaners, laundresses, night watchman, truck drivers, kitchen helpers, janitresses, park laborers, bona fide university students.

(d) Members of the civil service board and the personnel director.

(3) The offices, positions, and places of employment excluded by paragraphs (a), (b), (c) and (d) of subsection (2) from the classified service may be placed in the classified service, in accordance with the provisions of KRS 90.210, except that the offices or positions of director of safety *including his staff*, chief of police, assistant chief of police, chief of detectives, chief of firemen, assistant chief of firemen, director of health, director of welfare, and members of the civil service board shall not be placed in the classified service. [No office, position or place of employment which is placed in the classified service after February 15, 1946, by action of the legislative body of the city shall be in the classified service.]

(4) Any classified employe in the department of safety, who accepts an appointment and qualifies as chief of police, assistant chief of police, chief of detectives, chief of firemen, or assistant chief of firemen, shall be deemed to have received a leave of absence from the classified service for and during the incumbency of any of those respective positions. Should any chief or assistant chief, or chief of detectives, cease to serve as such, there shall be restored to him the same classification and rank which he held prior to his appointment.

HB 822, AN ACT changing the classification of the City of Crofton, in Christian County.

WHEREAS, satisfactory evidence has been presented to the General Assembly that the population of the City of Crofton, in Christian County, is such as to justify its being classified as a city of the fifth class;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the City of Crofton, in Christian County, is transferred from the sixth to the fifth class of cities.

HB 834, AN ACT relating to urban county governments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 95.010 is amended to read as follows:

(1) As used in KRS 95.150 to 95.290 and in KRS 95.786 to 95.885, unless the context requires otherwise:

(a) "Dismissal" means the discharge of an employe by the division or department head, civil service board, or other lawful authority.

(b) "Eligible list" means a list of names of persons who have been found qualified through suitable competitive examinations for positions or classes of positions.

(c) "Fire department" means the officers, firemen and clerical or maintenance employes, including the chief of the fire department.

(d) "Member" means any person in the police or fire department, other than the chief or assistant chief of the department.

(e) "Police department" means the officers, policemen and clerical or maintenance employes, including the chief of police.

(f) "Police force" means the officers and policemen of the police department, other than the chief of police.

(g) "Policeman" means a member of the police department below the rank of officer, other than a clerical or maintenance employe.

(h) "Salary" means any compensation received for services.

(i) "Suspension" means the separation of an employe from the service for a temporary or fixed period of time, by his appointing authority, as a disciplinary measure.

(2) As used in KRS 95.430 to 95.690, the following words and terms shall have the following meaning, unless the context requires otherwise:

(a) "Dismissal" means the discharge of an employe by the division or department head, civil service board, or other lawful authority.

(b) "Eligible list" means a list of names of persons who have been found qualified through suitable competitive examinations for positions or classes of positions.

(c) "Fire department" means and includes all officers, firemen, and clerical or maintenance employes of the fire department.

(d) "Police department" means and includes all officers, policemen, and clerical or maintenance employes of the police department.

(e) "Member" means any and all officers, firemen, policemen, clerical or maintenance employes in the police or fire department, except that as used in subsections (1) and (3) of KRS 95.440, and KRS 95.450, 95.460, 95.470, 95.550, 95.560, 95.565, 95.570 and 95.580 it shall not include the chief of police in a city of the second class operating under the commission form of government *or in an urban county government.*

(f) "Police force" means and includes all officers and policemen in the police department.

(g) "Policeman" means a member of the police department below the rank of officer, other than a clerical or maintenance employe.

(h) "Fireman" means a member of the fire department below the rank of officer, other than a clerical or maintenance employe.

(i) "Salary" means any compensation received for services.

(j) "Suspension" means the separation of an employe from the service for a temporary or fixed period of time, by his appointing authority, as a disciplinary measure.

(k) "Pension fund" shall mean the moneys derived from the members of the police and fire departments' salary or salaries and appropriations by the legislative body, or any other means derived from whatever source by gift or otherwise to be used for the retirement of members of the police and fire departments after the prescribed number of years of service, and for the benefit of disabled members of police and fire departments, and for the benefit of widows and dependent children or dependent fathers or mothers in the case of death of any member of the police or fire department within the scope of his employment.

(3) As used in KRS 95.761 to 95.785 the following words and terms shall have the following meaning:

(a) "Regular police department." For the purpose of KRS 95.761 to 95.785, a "regular police department" is defined as one (1) having a fixed headquarters, where police equipment is maintained and where a policeman or policemen are in constant and uninterrupted attendance to receive and answer police calls, and execute regular police patrol duties.

(b) "Regular fire department." For the purpose of KRS 95.761 to 95.785, a "regular fire department" is defined as one (1) having a fixed headquarters where fire fighting apparatus and equipment is maintained, and where a fireman or firemen are in constant and uninterrupted attendance to receive and answer fire alarms.

(c) "Legislative body." Wherever in KRS 95.761 to 95.785 the term "body" or "legislative body" is employed, it shall be construed to mean the legislative branch of the city government *or urban county government.*

(d) "Commission." The word "commission" shall mean the board of civil service commissioners, as established under the terms of KRS 95.761 to 95.785.

(e) "Trustees." The word "trustees" shall mean the board of pension fund trustees, as established under the terms of KRS 95.761 to 95.785.

(f) "Pension fund." The term "pension fund" shall mean the moneys derived from the policeman or policemen and fireman or firemen's salary or salaries, and appropriations by the legislative body, or any other sums derived from whatever source by gifts or otherwise to be used for the retirement of policeman or policemen and fireman or firemen after the prescribed number of years of service and for the benefit of disabled policeman or policemen and fireman or firemen, and for the benefit of widows and dependent children or dependent fathers or mothers in the case of death of a policeman or fireman within the scope of his employment, according to the terms of KRS 95.761 to 95.785.

Section 2. KRS 95.015 is amended to read as follows:

Members of the police and fire departments in cities *and urban county governments* shall abide by and adhere to the rules, regulations and laws set forth by the Kentucky Revised Statutes, and the legislative body of the city in which they are employed, provided, that no such rule, regulation or law shall apply that alters, abridges or otherwise restricts the constitutional rights of said members and said members, except when on duty, shall not be restrained from exercising their rights and privileges or from entering into any endeavor enjoyed by all other citizens of the city in which they reside.

Section 3. KRS 95.430 is amended to read as follows:

(1) In cities of the second and third classes *and urban county governments* the [city] legislative body shall control the police and fire departments and the property and equipment of the departments.

(2) The [city] legislative body may ordain and enforce rules for the government of the departments as it may deem expedient, prescribe the qualifications and duties of the members of each department, and grade the officers of each department.

(3) The [city] legislative body may appoint a chief of police and all policemen, and a chief of the fire department and all subordinates.

(4) The number of firemen, policemen, detectives and officers of the police and fire departments shall be such as the [city] legislative body may ordain.

(5) The [city] legislative body shall, by ordinance, fix the salaries of the members of the police and fire departments, provide for their payment, and for the payment of other expenses of the departments.

Section 4. KRS 95.435 is amended to read as follows:

(1) The police department in cities of the second class, *and urban county government* shall take charge of property, within their jurisdiction, alleged to be or suspected of being the proceeds of crime, property taken from the person of a prisoner, lost or abandoned property taken into the custody of any member of the police force or criminal court, and property taken from persons supposed to be insane, intoxicated or otherwise incapable of taking care of themselves. The officer or court having custody of such property shall as soon as practicable deliver it into the custody of the police department.

(2) All such property shall be particularly described and registered by the police department in a book kept for that purpose, containing the name of the owner, if ascertained, the place where found, the name of the person from whom taken, with the general circumstances, the date of its receipt, the name of the officer recovering the property, the names of all claimants thereto, and any final disposition of the property. The police department shall advertise the property pursuant to KRS chapter 424 for the information of the public as to the amount and disposition of the property.

(3) If any property in the custody of the police department is desired as evidence in any criminal court, such property shall be delivered to any officer who presents an order to that effect from the court. Such property shall not be retained in the court, but shall be returned to the police department.

(4) All property that remains in the custody of the police department for three (3) months, without any lawful claimant thereto, may be sold at public auction in a suitable room designated for that purpose, after having been advertised pursuant to KRS chapter 424. The proceeds of such sales shall be paid into the police and firemen's pension fund of said city *or urban county government.*

Section 5. KRS 95.440 is amended to read as follows:

(1) The [city] legislative body in cities of the second and third classes *and urban county governments* shall require all applicants for appointments as members of the police or fire departments to be examined as to their qualifications for office, including their knowledge of the English language and the law and rules governing the duties of the position applied for.

(2) Each member of the police or fire department in cities of the second and third classes *and urban county governments* shall be a qualified voter in the county containing the city of employment, able to read, write and understand the English language, and have such other qualifications as may be prescribed. No person shall be appointed a member of the police or fire department unless he is a man of sobriety and integrity and is and has been an orderly, law-abiding citizen. In a city of the second class *or urban county government* no person shall be appointed a member of either of such departments if he is over fifty (50) years

of age.

(3) Members of the police and fire departments in cities of the second and third classes *or urban county governments* qualified under this section shall hold their positions during good behavior, except that the [city] legislative body may decrease the number of policemen or firemen as it may deem proper.

(4) If the [city] legislative body of a city of the second or third class *or urban county government* decreases the number of policemen or firemen, the youngest members in point of service shall be the first to be released and returned to the eligible list of the department, there to advance according to the rules of the department.

Section 6. KRS 95.445 is amended to read as follows:

The legislative body of a city of the second, third, fourth, fifth, or sixth class *or urban county government* , except a city of the fifth or sixth class in a county containing a first-class city, may by ordinance provide for the establishment or abolishment of an auxiliary police force to perform special duties within the city on terms it deems proper. The ordinance shall prescribe the number of officers and men of such force and the manner of their appointment, and rules and regulations governing the powers and duties of members of such force.

Section 7. KRS 95.450 is amended to read as follows:

(1) Except as provided in subsection (5) of this section no member of the police or fire department in cities of the second and third classes *or urban county government* shall be reprimanded, dismissed, suspended or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination or violation of law or of the rules adopted by the [city] legislative body, and only after charges are preferred and a hearing conducted as provided in this section.

(2) Any person may prefer charges against a member of the police or fire department by filing them with the clerk of the [city] legislative body who shall immediately communicate the same to the legislative body. The mayor shall, whenever probable cause appears, prefer charges against any member whom he believes guilty of conduct justifying his dismissal or punishment. The charges shall be written and shall set out clearly the charges made.

(3) Upon the hearing all charges shall be considered traversed and put in issue, and the trial shall be confined to matters related to the issues presented. Within three (3) days after the charges have been filed with the [city] legislative body, that body shall proceed to hear the charges. At least two (2) days before the hearing the member accused shall be served with a copy of the charges and a statement of the day, place and hour at which the hearing of the charges will begin. The person accused may, in writing, waive the service of charges and demand trial within three (3) days after the charges are filed with the clerk.

(4) The [city] legislative body may summon and compel attendance of witnesses at hearings by subpoena issued by the clerk of that body and served upon the witnesses by any officer authorized to serve court subpoenas, and the body shall have the power of a justice of the peace to punish for contempt. The member accused may have subpoenaed any witnesses he may desire, upon furnishing their names to the clerk. The action and decision of the body on the charges shall be reduced to writing and entered in a book kept for that purpose, and the written charges filed in the matter shall be attached to the book containing the decision.

(5) When the appointing authority or the head of the department has probable cause to believe a member of the police or fire department has been guilty of conduct justifying dismissal or punishment, he or it may suspend the member from duty or from both pay and duty, pending trial, and the member shall not be placed on duty, or allowed pay, until the charges are heard.

(6) The [city] legislative body shall fix the punishment of a member of the police or fire department found guilty, by a reprimand, suspension for any length of time not to exceed six (6) months, by reducing the grade if the accused is an officer, or by combining any two or more of those punishments, or by dismissal from the service.

Section 8. KRS 95.460 is amended to read as follows:

(1) Any member of the police or fire department in cities of the second and third classes *or urban county governments* found guilty by the [city] legislative body of any charge, as provided by KRS 95.450, may appeal to the circuit court of the county in which the city *or urban county government* is located, if the punishment is a suspension of more than ten (10) consecutive calendar days, a reduction in grade, or dismissal, but the enforcement of the judgment of the body shall not be suspended pending appeal.

(2) Upon request of the accused the clerk of the [city] legislative body shall file a certified copy of the charges and the judgment of that body in the circuit court. Upon the transcript being filed the case shall be docketed in the circuit court and tried de novo.

(3) If the clerk fails to certify the transcript to the circuit court within five (5) days after the request is made, the party aggrieved may file an affidavit in the circuit court setting out as fully as possible the charges made, the time of the hearing, and the judgment of the [city] legislative body, together with a statement that demand for transcript was made upon the clerk more than five (5) days before the filing of the affidavit. Upon the filing of the affidavit in the circuit court the case shall be docketed and the circuit court may compel the filing of the transcript by the clerk by entering the proper mandatory order, and by fine and imprisonment for contempt. The appeal shall have precedence over other business, and be determined speedily.

(4) An appeal will lie from the judgment of the circuit court to the Court of Appeals as in other cases if the punishment fixed by the [city] legislative body was suspension for more than sixty (60) days, reduction in grade or dismissal.

Section 9. KRS 95.470 is amended to read as follows:

(1) No person shall be appointed a member of the police or fire department in cities of the second and third classes *or urban county governments* on account of any political service, contribution, sentiment or affiliation. No member shall be dismissed, suspended or reduced in grade or pay for any political opinion.

(2) The appointment and continuance in office of members of the police or fire department shall depend solely upon their ability and willingness to enforce the law and comply with the rules of the department, and shall not be a reward for political activity or contribution to campaign funds.

(3) No member of either department shall pay or collect any assessments made by political organizations, contribute to political campaign funds, be active in politics or work for the election of candidates for office.

Section 10. KRS 95.480 is amended to read as follows:

(1) The chief of police in cities of the second class or a policeman acting under his authority shall attend all sessions of the [city] legislative body and the police court, execute their orders, and preserve order at their sessions. All regular policemen shall be officers of the police court. The chief of police shall collect the fees of the judge of the police court *or other court exercising the powers of the police court in an urban county government* and of the mayor, if required.

(2) The chief of police may receive the same fees, for the use of the city *or urban county government*, that sheriffs are entitled to receive for like services, and have the same power to collect them.

(3) The chief of police, policemen deputized by him, and others to whom the process of the police court *or some other court* is directed and comes for execution shall execute and return the process within the time prescribed by law for sheriffs to execute and return similar process, and on their failure they and their sureties shall be liable to the same penalties as sheriffs. They shall be subject to similar penalties for not paying over moneys collected on execution, making illegal charges, false returns and like illegal acts.

(4) The police court *or some other court* may hear and determine motions against them and their sureties for failure to pay over moneys collected, as the circuit court has jurisdiction to hear and determine motions against defaulting sheriffs, or may proceed by fines and imprisonment to enforce the execution and return of process.

Section 11. KRS 95.490 is amended to read as follows:

(1) Each member of the police force in cities of the second class *or urban county government*, before entering upon the discharge of his duties, shall take an oath before the mayor to faithfully discharge the duties of his office. The oath shall be subscribed by the person taking it, and filed in the office of the city auditor, *or in urban county governments, the office most closely resembling such office.*

(2) The chief of police and each other member of the police force shall give such bond to the city *or urban county government*, and with such surety as may be required by ordinance, conditioned that they will faithfully perform the duties of their office and pay over to the persons entitled thereto all moneys that may come into their hands. A lien shall exist on the lands of the chief of police or policemen deputized by him, and their sureties, from the time of executing bond, for all sums of money that come into their hands.

Section 12. KRS 95.495 is amended to read as follows:

(1) In all cities of the second class *or urban county governments*, except those in which, by ordinance, the patrolmen are employed or paid by the day, the members of the police department shall not be required to work more than eight (8) hours per day, for five (5) days each week, except in the event of an emergency. Each member of the police department shall have an annual leave of fifteen (15) working days with full pay.

(2) The salary of the members of the police department shall not be reduced by reason of the enactment of this section.

Section 13. KRS 95.500 is amended to read as follows:

(1) The chief of the fire department in cities of the second class *or urban county government* shall be present at all fires and investigate their cause. He may examine witnesses, compel the production of testimony, administer oaths, make arrests, and enter any building for the purpose of examination that, in his opinion, is in danger from fires. He shall report his proceedings to the city legislative body when required.

(2) The chief shall direct and control the operations of the members of the fire department in the discharge of their duties. He shall have access to and use of all cisterns, fireplugs, the waters of the waterworks and the cisterns of private persons, for the purpose of extinguishing fires. He shall have the right to examine all cisterns, and all plugs and pipes of the waterworks, to see that they are in condition for use in case of fire. He shall have control of all buildings, hose, engines and other equipment provided for the fire department. He shall perform such other duties as the [city] legislative body shall, by ordinance, prescribe.

(3) The fire department of each second-class city *or urban county government* shall be divided into three (3) platoons. Each platoon shall be on duty for twenty-four (24) consecutive hours, after which the platoon serving twenty-four (24) hours shall be allowed to remain off duty for forty-eight (48) consecutive

hours, except in cases of dire emergency. The chief of the fire department shall arrange the schedule of working hours to comply with the provisions of this section. The pay, rank or benefits of the members and officers of the fire department, shall not be reduced as a result of this subsection.

(4) In each city of the second class *or urban county government* all employes of the fire department shall be given not less than two (2) weeks leave of absence annually, with full pay.

Section 14. KRS 95.630 is amended to read as follows:

(1) The [city] legislative bodies of cities of the second and third classes *or urban county governments* may, by ordinance, form the members of the police and fire departments into groups to obtain the advantages of the group plan of life insurance.

(2) The [city] legislative bodies may aid the members of the police and fire departments by paying from city funds not to exceed fifty per cent (50%) of the annual premiums on the policies, and may contract with the insurer on such other terms as may be provided for in the ordinance.

Section 15. KRS 95.820 is amended to read as follows:

(1) The [city] legislative body in cities of the second, third, fourth, fifth and sixth classes *or urban county government* may, by ordinance, provide public liability insurance for the regular police and fire departments and their personnel. If a regular fire department is not maintained, the insurance may be provided for the volunteer fire department and its members.

(2) The insurance shall be for the indemnity of the personnel of the police and fire departments against any claims for damages resulting from the use of any motor vehicle or other equipment of the departments in any activity within the usual and normal prescribed duties or purposes of the departments.

(3) The insurance may be contracted for the coverage of individuals within the police and fire departments, or on a group plan to cover the entire personnel of the departments. The premiums on the insurance shall be paid by the city out of its general funds.

Section 16. KRS 95.840 is amended to read as follows:

Any municipality *or urban county government* may, at the discretion of its governing body, provide for accident and death benefits for the members of volunteer fire departments by the purchase of standard casualty insurance, insuring such members while acting in the line of duty.

SB 110, AN ACT changing the classification of the City of Saint Regis Park in Jefferson County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Saint Regis Park in Jefferson County is such to justify its being classified as a city of the fourth class;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The City of Saint Regis Park in Jefferson County is transferred from the fifth to the fourth class of cities.

SB 157, AN ACT relating to attorneys in cities of the fourth class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 69.560 is amended to read as follows:

The legislative body of each city of the fourth class, except those operating under the commission or city manager form of government, as soon as it is organized or as soon thereafter as practicable, and biennially thereafter, may appoint a city attorney, or it may provide by ordinance at least sixty (60) days previous to any election that the city attorney be elected by the qualified voters of the city at the same time and for the same term that the police judge is elected. The city attorney must be a practicing attorney, and a resident of the city *or of the county wherein the city is located.* The city attorney shall hold his office for a term of two (2) years, subject to removal at any time for good cause by the city legislative body. He shall prosecute all pleas of the commonwealth and all warrants or proceedings instituted for violation of the ordinances or municipal regulations of the city in the police court, attend the meetings of the city legislative body, advise it in all matters of litigation or legal proceedings, and perform any other duties in his department required by the city legislative body. The city legislative body shall fix his compensation by ordinance before his appointment or

election.

SB 260, AN ACT relating to area planning commissions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 147.640 is amended to read as follows:

(1) In order to provide more effective representation of the various governmental units participating in the creation of the area planning commission, an area council shall be created.

(2) The area council shall be composed of one (1) member elected by the legislative body of each municipality and county within the area planning territory.

(3) Each year the various governmental units, composing the area planning territory, shall elect their members for the area council.

(4) At its first regular meeting in each year, the council shall elect from its membership a president and vice-president. The vice-president shall have the authority to act as president of the council during the absence or disability of the president.

(5) The council may appoint from within or without its own membership a secretary, prescribe his duties and fix his compensation.

(6) The council shall confer in an advisory capacity with the area planning commission created hereunder. All actions taken by the council must receive the affirmative vote of *any two counties, any two cities of the second class or one county and one* [each county and each] city of the second class and one-half (1/2) of the remaining membership for passage.

(7) The area council may budget in each year for the payment of a per diem for each member of the area planning commission not to exceed the sum of twenty dollars ($20.00) per day for each day the commission is in actual session, not to exceed in any one (1) year the sum of one thousand dollars ($1,000) for each member.

(8) A quorum of the area council shall consist of a majority of its membership.

Section 2. KRS 147.650 is amended to read as follows:

The master plans or portions thereof of each of the participating units of government, including all zoning ordinances and amendments, supplements and changes thereto, heretofore and hereafter adopted by the said units, and all action taken under the authority of such ordinances shall continue and be in effect *so long as all proposed amendments, supplements and changes thereto have been reviewed and recommendations made by the area planning commission. If the local legislative body overrides the area planning commission's recommendation it shall state, in writing, the reasons for its action* [unless they are in conflict as to planning with actions taken by the area planning commission].

Section 3. A new section of KRS Chapter 147 is created to read as follows:

The provisions of KRS 147.610 through 147.990 shall be construed to confer on the area planning commission an advisory capacity only.

Section 4. KRS 147.680 is amended to read as follows:

It shall be unlawful for any person, firm, corporation or public official to construct or authorize the construction of any public street, public roadway, public parkway, public grounds, public place, or public utility, privately or publicly owned, within the area planning boundaries until and unless the proposed location and extent of such public construction or authorization shall have been *reviewed and recommendations made* [approved] by the area planning commission upon proper presentation and hearing. Notice of such hearing shall be given as provided for other hearings. *f the local legislative body overrides the area planning commission's recommendation it shall state, in writing, the reasons for its action.*

Section 5. KRS 147.620 shall be amended to read as follows:

If the fiscal courts of any two (2) or more adjacent counties elect to be consolidated as provided in KRS 147.610, and the respective legislative bodies of cities representing more than two-thirds (2/3) of the population of the residents living within the boundaries of corporate territories of each county, by ordinance or resolution elect to consolidate as provided in KRS 147.610, then the cities and counties so affected shall authorize the execution of a contract between themselves agreeing to participate in the creation of an area planning commission and agreeing to be governed by the provisions of KRS 147.610 to 147.710. When a sufficient number of municipalities and counties have executed said agreement, copies shall be filed in the office of the clerk of each of the counties affected. Thereupon an area planning commission is established. *If at some later date the fiscal court and the legislative bodies of cities representing more than two-thirds (2/3) of the population of the residents living within the boundaries of the corporate territory of another adjacent county elect to join the area planning commission, then the cities and county so affected shall authorize the*

execution of a contract between themselves agreeing to participate and be governed by the provisions of KRS 147.610 to 147.710. The existing area planning council, as previously created under KRS 147.610 to 147.710 shall be empowered to execute an agreement accepting the new contract in behalf of the existing area planning council and commission. When such agreement is executed copies shall be filed in the office of the clerk of each of the counties affected. Thereupon the new area planning commission boundaries are established.

The Committee Amendment to **SB 260** is as follows:

Amend printed copy of Senate Bill 260 page 3 by adding after line 4, the following new section:

"Section 4. A new section of KRS Chapter 147 is created to read as follows:

An area planning commission created under the provisions of KRS 147.610 to 147.710 shall, not later than March 1 of each year, submit a proposed budget detailing anticipated receipts and expenditures to the area council for its approval on or before May 1 of each such calendar year. The area council shall contract with an independent, reputable certified public accountant to perform an audit of the records, books, and accounts of the area planning commission for each fiscal year."

The Committee on Education reported **HB 173,** with Senate Amendment attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee on Education reported **HB 751, HB 778, HB 786, HB 814, HR 16, HR 47, HCR 52, HR 55, HJR 64, HR 72, HR 75,** and **HJR 83** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 751, AN ACT relating to the school term.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 158.070 is amended to read as follows:

(1) The minimum school term shall be one hundred eighty-five days. *Schools shall be closed for two consecutive days beginning with the first Thursday after Easter for the purpose of permitting school employes to attend state-wide professional meetings. The Superintendent of Public Instruction shall designate one additional day during the school year when schools shall be closed for the purpose of permitting school employes to participate in district professional meetings. These three days so designated for attendance at professional meetings shall not be counted as a part of the minimum school term.* The Superintendent of Public Instruction, upon the approval of the State Board of Education, may extend the minimum term to ten months when the resources of the school fund or contributions by local taxation justify the extension; but no extension shall be made if it reduces the salaries of the teachers below the minimum fixed by law. A board of education may extend its terms beyond the minimum term set by the Superintendent of Public Instruction. Any local board of education may elect to operate its schools on a year-round school program basis in accordance with regulations promulgated and adopted by the State Board of Education upon the recommendation of the State Superintendent of Public Instruction, which regulations must be in conformity with the following criteria:

(a) The year-round school program shall be operated on a fiscal year beginning July 1 and ending June 30.

(b) A pupil's required attendance in school shall be for at least the minimum term.

(c) No teacher shall be required to teach more than the minimum term during the school year.

(2) The board of education of any school district may use no more than four days of the minimum school term for holidays, *two days for the opening and closing of schools without the presence of pupils, four days for in-service professional development activities* [three days for in-service training and professional work, three days for attendance at state and district meetings of professional education associations], a total of five days for (a) national or state disaster or mourning when proclaimed by the President of the United States or the Governor of the Commonwealth of Kentucky, and (b) local disaster which would endanger the health or safety of children or mourning when so designated by the district board of education and approved by the State Board of Education upon recommendation of the Superintendent of Public Instruction, and shall use one day of excused absence for attendance at the Kentucky State Fair for students applying for excused

absence for this purpose. The State Board of Education, upon recommendation of the Superintendent of Public Instruction, shall adopt regulations governing the use of school days *and regulations setting forth the guidelines and procedures to be observed for the approval of the days utilized for in-service professional development activities and for the opening and closing of school.*

HB 778, AN ACT relating to employes of the common schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS 161 is created to read as follows:
The State Board of Education, upon the recommendation of the Superintendent of Public Instruction, shall adopt rules and regulations to implement the state life insurance program provided for employes of the common schools subject to the following standards:
(1) The life insurance program shall cover both certified and non-certified common school personnel.
(2) The life insurance program shall be made available to all regular full-time personnel as defined by the State Board of Education regulations.

HB 786, AN ACT relating to the common schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 156.160 is amended to read as follows:
Upon the recommendation of the superintendent of public instruction, the state board of education shall adopt rules and regulations relating to:
[The superintendent of public instruction shall prepare or cause to be prepared and submit for approval and adoption by the state board of education:]
(1) The biennial state school budget;
(2) Minimum courses of study for the different grades and kinds of common schools, and regulations governing educational equipment of the schools;
(3) [Rules and regulations for grading,] *Grading,* classifying and accrediting all common schools, and for determining the scope of instruction that may be offered in the different classes of schools, and the minimum requirements for graduation from the courses offered;
(4) [Rules and regulations for taking] *Taking* and keeping a school census, and the forms and blanks to be used in taking and keeping the census and in compiling the required reports [thereof];
(5) [Regulations for the sanitary] *Sanitary* and protective construction of public school buildings, toilets, physical equipment of school grounds, school buildings and classrooms;
(6) [Regulations governing medical] *Medical* inspection, physical education and recreation, and other rules and regulations deemed necessary or advisable for the protection of the physical welfare and safety of the public school children;
(7) [Rules and regulations concerning the] *The* transportation of children to and from school;
(8) [Rules and regulations for approving] *Approval of* private and parochial schools of elementary or high school grade, and commercial schools;
(9) [Rules and regulations] *The* fixing *of* [the] holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine;
(10) [Rules and regulations governing the] *The* preparation of budgets and salary schedules for the several school districts under the management and control of the state board of education;
(11) A uniform series of forms and blanks, educational and financial, including forms of contracts, for use in the several school districts; [.]
(12) The disposal of real and personal property owned by local boards of education.

HB 814, AN ACT relating to higher education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 164 is created to read as follows:

(1) The Council on Public Higher Education shall establish and designate for each state supported community college, college, and university a geographical region or area of the state to be known as the primary service area for each such institution.

(2) Each community college, college, and university shall be primarily responsible for the offering of courses or programs of instruction within their respective primary service areas as designated under provisions of subsection (1) of this Act.

(3) No state supported community college, college, or university shall offer by extension any course or program of instruction within the primary service area of any other such institution, unless the following conditions are met:

(a) The community college, college, or university desiring to offer a course or program of instruction by extension within the primary service area of any other such institution shall first receive approval for such offering from the Council on Public Higher Education; and

(b) The community college, college, or university designated to serve the area does not offer the particular course or program of instruction within its primary service area.

HR 16, A RESOLUTION on retirement and Social Security for teachers.

WHEREAS, there is increasing interest and concern with the problems of retirement; and

WHEREAS, the results of a recent study conducted by the Legislative Research Commission reveals that much care must be exercised when making changes to a retirement system; and

WHEREAS, a great deal of energy has been expended in the past on the issue of social security coverage for teachers; and

WHEREAS, the Congress is continuing to review, evaluate, and amend the Federal Social Security Act; and

WHEREAS, a full and complete examination and study of the existing retirement system for teachers and the possibility of adding social security coverage for teachers is desirable;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission is authorized and directed to conduct a comprehensive study and evaluation of the existing Teachers' Retirement System of the State of Kentucky as well as the possibility of extending social security coverage for teachers.

Section 2. To assist the Legislative Research Commission in conducting this study and evaluation as directed above, an advisory committee shall be appointed comprised of two members of the Senate, appointed by the President thereof; two members of the House, appointed by the Speaker; the Executive Director of the Teachers' Retirement System of the State of Kentucky; the General Manager of the Kentucky Retirement Systems; the Commissioner of Finance and Administration or his designate; the Superintendent of Public Instruction or his designate; the President of the Kentucky School Boards Association or his designate; and two members of the teaching profession who shall be appointed by the Governor. The Legislative Research Commission shall appoint an actuarial firm to aid the committee.

Section 3. The committee shall report its findings prior to the 1976 Regular Session of the General Assembly.

HR 47, A RESOLUTION directing the Council on Public Higher Education to study ways to improve veterinarian services in the state.

WHEREAS, the Commonwealth of Kentucky is noted throughout the world for its horse and cattle industry; and

WHEREAS, in many areas of the state, veterinarian services are minimal or nonexistent; and

WHEREAS, there presently exists no school of veterinary medicine in the state and students desiring a degree of Doctor of Veterinary Medicine must attend schools in other states; and

WHEREAS, since 1967, less than one-third of Kentucky applicants for enrollment in veterinary schools have been accepted;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The Council on Public Higher Education is hereby directed to make a comprehensive study of veterinarian services in the Commonwealth with respect to improvement of these services. The study shall include, but not be limited to, an evaluation of the need for establishing a school of veterinary medicine in the state.

Section 2. The Council on Public Higher Education shall report its findings, together with any recommendations it may make, to the Legislative Research Commission not later than July 1, 1975.

Section 3. The estimated cost of this study is $20,000.

HR 52, A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the feasibility of making district boards of education their own taxing authority.

WHEREAS, fiscal courts and governing bodies of cities are presently the taxing authorities for local school districts; and

WHEREAS, district boards of education may specify, within the limits of the law, the amount of revenue to be collected, and fiscal courts and governing bodies of cities are required to levy school taxes to meet such specifications; and

WHEREAS, district boards of education being elected bodies, there appear to be accountability advantages in making them their own taxing authorities and, therefore, directly responsible to their constituents for school taxes levied;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Legislative Research Commission, with the cooperation and assistance of the State Department of Education, is hereby directed to study the feasibility of making district boards of education the taxing authority for school taxes, giving particular attention to the effect such a change might have on the bonding ability of school districts.

Section 2. That the Legislative Research Commission report its findings together with any recommendations it may make to the 1976 Regular Session of the General Assembly.

Section 3. The estimated cost of this study is $3,000.

HR 55, A RESOLUTION directing that a study be made of intellectually gifted children.

WHEREAS, the House of Representatives of the General Assembly recognizes the special needs of intellectually gifted children; and

WHEREAS, these special needs may not be provided for in the regular or special programs of the common schools of the state; and

WHEREAS, it is the desire of this body that all children of the Commonwealth be educated to their fullest potential;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission, with the assistance and cooperation of the Department of Education, is hereby directed to conduct a comprehensive study of intellectually gifted children in the state, to include, but not be limited to, the establishment of criteria for identifying intellectually gifted children and the determination of the cost for providing adequate educational programs for them.

Section 2. The Legislative Research Commission is directed to report its findings and recommendations to the 1976 Regular Session of the General Assembly.

Section 3. The estimated cost of the study is $8,000.

HR 55, A RESOLUTION directing that a study be made of intellectually gifted children.

WHEREAS, the House of Representatives of the General Assembly recognizes the special needs of intellectually gifted children; and

WHEREAS, these special needs may not be provided for in the regular or special programs of the common schools of the state; and

WHEREAS, it is the desire of this body that all children of the Commonwealth be educated to their fullest potential;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission, with the assistance and cooperation of the Department of Education, is hereby directed to conduct a comprehensive study of intellectually gifted children in the state, to include, but not be limited to, the establishment of criteria for identifying intellectually gifted children and the determination of the cost for providing adequate educational programs for them.

Section 2. The Legislative Research Commission is directed to report its findings and recommendations to the 1976 Regular Session of the General Assembly.

Section 3. The estimated cost of the study is $8,000.

HR 64, A JOINT RESOLUTION creating an interim study commission on the voucher plan for education.

WHEREAS, it is desirable that schools be more accountable to parents for the education of their children; and

WHEREAS, presently, parents desiring a publicly supported education for their children must send them to the school designated by the local district and the state; and

WHEREAS, such schools, enjoying, as it were, a monopoly may not be responsive to parents in the educational services provided children; and

WHEREAS, it appears that a voucher plan, allowing parent to send their children to the school of their choice, public or private, may relieve this situation;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. There is hereby created the Interim Study Commission on the Voucher Plan for Education to consist of five members of the House of Representatives appointed by the Speaker thereof, one of whom shall be the Chairman of the Education Committee and at least one of whom shall be from the minority party; and four members of the Senate appointed by the President thereof, one of whom shall be the Chairman of the Education Committee and at least one of whom shall be from the minority party. The Commission shall select a chairman from among its members and meet at the call of the chairman.

Section 2. The Interim Study Commission on the Voucher Plan for Education shall study the feasibility of implementing a voucher plan for education in Kentucky which will allow parents desiring a publicly supported education for their children to send them to the school of their choice, whether it be public or private. The study shall include, but not be limited to, constitutional or statutory changes needed to implement the plan, impact on existing programs and cost of implementation. The commission shall report its findings to the 1976 Regular Session of the General Assembly.

Section 3. The estimated cost of the study is $8,000.

HR 72, A RESOLUTION directing the Educational Facilities Review Commission and the Council on Public Higher Education to make a joint study of the utilization of educational television for higher education.

WHEREAS, Kentucky has considerable capital invested in both the educational television network and television facilities at the several institutions of public higher education; and

WHEREAS, technological and societal changes make it desirable that opportunities for higher education be expanded, especially for more mature citizens of the Commonwealth who for valid reasons may not be able to attend a conventional college or university; and

WHEREAS, educational television may provide a feasible delivery system for off-campus, as well as on-campus learning;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The Educational Facilities Review Commission and the Council on Public Higher Education, with the assistance and cooperation of the Kentucky Authority for Educational Television, is directed to conduct jointly a comprehensive study on the utilization of educational television for higher education in Kentucky. The study shall include, but not be limited to, consideration of the off-campus learning opportunities.

Section 2. The Educational Facilities Review Commission and the Council on Public Higher Education shall report their findings together with any recommendations they may make to the appropriate interim committees of the Legislature and to the 1976 Regular Session of the General Assembly.

Section 3. The estimated cost of this study is $7,500.

HR 75, A RESOLUTION directing the Legislative Research Commission, in consultation with the Superintendent of Public Instruction, to conduct a study of the laws relating to school textbook, depository, and treasurers' bonds.

WHEREAS, the present laws relating to school textbook, depository, and treasurers' bonds have not been reviewed or revised for several years; and

WHEREAS, large sums of school funds are expended annually for these purposes; and

WHEREAS, a more economical and efficient program of operation and administration of these financial expenditures may be feasible and practical;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission, in consultation with the Superintendent of Public Instruction, make a comprehensive study of the laws relating to school textbook, depository, and treasurers' bonds and report its findings and recommendations to the 1976 Regular Session of the Kentucky General Assembly.

Section 2. The estimated cost for the study is two thousand dollars.

HR 83, A JOINT RESOLUTION directing the Council on Public Higher Education to study the statutes, regulations and policies of the various states with regard to admisssion and tuition requirements at institutions of higher education.

WHEREAS, the Commonwealth, through the Council on Public Higher Education, maintains a policy of limiting non-resident enrollment in the institutions of higher education in the state; and

WHEREAS, the Council on Public Higher Education also maintains and promotes programs and policies of cooperation among the various states; and

WHEREAS, the General Assembly desires to provide each student enrolled in the institutions of higher education of Kentucky with quality educational opportunities by continuing the present high standards maintained by such institutions; and

WHEREAS, the General Assembly wishes to ensure enrollment positions in state institutions of higher education for students of the Commonwealth, but does not wish to jeopardize the opportunity of any Kentucky student desiring to attend an institution of higher education in any other state by unnecessarily restricting the enrollment and tuition policies of such institutions in Kentucky; and

WHEREAS, the General Assembly favors cooperative efforts among the various states at achieving equitable tuition rates and admissions policies for all students;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Council on Public Higher Education is hereby directed to conduct a study of the statutes, regulations and policies of the various states with regard to admission of students and tuition rates of resident and non-resident students at state supported institutions of higher ecucation in each of the states. Such study shall include, but not be limited to, the effects of such statutes, regulations and policies on the establishment of cooperative arrangements on admission and tuition at institutions of higher education among the various states.

Section 2. That a report of the findings of such study be made, together with recommendations relating to the admission and tuition policies of institutions of higher education in Kentucky, to the Joint Interim Committee on Education of the General Assembly prior to the 1976 Regular Session.

The Committee on Elections and Constitutional Amendments reported **HB 710,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee Amendment Amendment No. 5 to **HB 710** is as follows:

Amend printed copy of House Bill 710 page 33, line 24 strike "No person, other than"

and on page 33, line 24 strike "the election officers and challengers, shall remain in"

and on page 33, line 26 strike "the polls where the voting machine is and the election is"

and on page 34, line 1 strike "being conducted, except when voting."

and on page 34, line 4 after the word "electioneering" add the words "at the polling place"

and on page 34, line 5 strike "within any polling place" and insert in lieu thereof "unless the fiscal court or legislative body of an urban county government specifically authorizes by ordinance on a county wide basis electioneering and establishes the distance from the polling place where such electioneering may be permitted, but in no case shall electioneering be allowed within fifty feet of the polls."

The Committee Amendment No. 6 to **HB 710** is as follows:

Amend printed copy of House Bill 710 page 183, after line 8 add the following words:

"Section 197. The Reviser of Statues shall make all changes to conform with other legislation enacted by the 1974 General Assembly."

and on page 183, line 9 strike "Section 197" inserting in lieu thereof "Section 198"

The Committee Amendment No. 7 to **HB 710** is as follows:

Amend printed copy of House Bill 710 page 85, after line 8 add the following words:

"(2) The general laws applying to regular, special and primary elections shall apply to elections conducted with the use of voting machines, and all provisions of such laws with respect to the custody of ballot boxes shall apply, as far as applicable, to the custody of the voting machine."

and on page 85, line 9 strike "(2)" inserting in lieu thereof "(3)"

and on page 85, line 13 strike "(3)" inserting in lieu thereof "(4)"

The Committee on Highways and Traffic Safety reported **HB 458, HB 658** with Committee Amendment attached thereto, **HB 661, HR 74, HJR 85, HJR 87, HCR 94, HB 374** with Committee Amendment attached thereto, **HB 789, HB 824,** and **HB 825** with the expression of opinion that the same

should pass. Read at length for the first time and ordered placed in the Calendar.

HB 458, AN ACT relating to official signs and notices.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 177 is created to read as follows:
The Bureau of Highways shall erect within six hundred and sixty (660) feet of the right-of-way of any interstate, limited access highway, federal-aid primary highway, or turnpikes official directional signs and notices pertaining to publicly and privately owned natural wonders and scenic and historical attractions, including cultural, scientific, educational, and religious sites, and areas of natural scenic beauty or naturally suited for out door recreation deemed to be in the interest of the traveling public under the following conditions:

(1) Such signs shall not violate any federal law, rule or regulation, nor exceed any standards of size, lighting, spacing and message content as may be promulgated from time to time by the Secretary of the United States Department of Transporatation under subsection (c) of section 131 of title 23 of the United States Code affecting the allocation of federal funds to the Commonwealth of Kentucky.

(2) Such signs and notices shall not violate any safety standards set forth in KRS 177.830 to 177.890 nor any regulation promulgated by the Commissioner of Highways pursuant to KRS 177.860.

(3) The message content on such signs and notices shall be limited to the identification by name of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers, or exit numbers. Descriptive wards or phrases, and pictoral or photographic representations of the activity or its environs are prohibited.

(4) The Commissioner of Highways shall promulgate by regulations specific selection methods and criteria to be used in determining those sites and attractions, publicly and privately owned, for which directional signs and notices may be erected as permitted by subsection (c) section 131 of title 23, United States Code. A statement as to selection methods, criteria, and standards of size, lighting and spacing shall be furnished to the Secretary of the United States, Department of Transportation, before the Bureau of Highways erects any such directional signs and notices. The commissioner shall consider and determine, upon proper application to the Bureau of Highways, those sites and attractions eligible for official directional signs and notices.

(5) The Bureau of Highways shall require reimbursement for the cost of erection and maintenance of official directional signs and notices authorized by this Act when such sites or attractions are privately owned and shall prescribe the size, number and locations of such signs and notices based upon its determination of the traveler's need for information.

(6) The Commissioner of Highways shall promulgate such reasonable rules and regulations necessary to carry on the provisions of this Act.

HB 658, AN ACT relating to motor vehicles and the regulation thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 189.222 is amended to read as follows:

(1) The *Secretary of Transportation* [Commissioner of Highways] in respect to highways which are a part of the state-maintained system, by official order, may increase on designated highways or portions thereof, the maximum height, length and gross weight prescribed in KRS 189.221, if in the opinion of said *secretary* [commissioner], the increased heights, length and weight designated by him are justified by the strength, safety and durability of the designated highways, and said highways do not appear susceptible to unreasonable and unusual damage by reason of such increases and said *secretary* [commissioner] is authorized to establish reasonable classification of such roads and to fix a different maximum for each classification. *Provided, however, that any increase in the height, length or width or any motor truck or tractor semi-trailer combinations or any other vehicle combinations including any part of the body or load or designation of highways to be used by such vehicles, shall not, in any way, exceed the federal law or regulations thereunder or jeopardize the allotment or qualification for federal aid funds of the Commonwealth of Kentucky or* [However, in no event shall any motor truck or tractor semi-trailer combination, including any part of the

body or load,] exceed the following dimensions and weights:

(a) Heights, 13 1/2 feet;

(b) Length, truck tractors and semi-trailers, 55 feet; motor trucks, 35 feet;

(c) Length, truck tractor, semi-trailer and trailer, 65 feet;

(d) A tolerance of not more than five percent shall be permitted before a carrier is deemed to have violated (b) of this subsection. In no event shall the maximum length exceed 65 feet;

(e) [(c)] Weight, *20,000* [18,000] pounds per single axle, with axles less than 42 inches apart to be considered as a single axle; *34,000* [32,000] pounds on two axles in tandem arrangement which are spaced 42 inches or more apart and less than 96 inches apart; *50,000* [48,000] pounds on three axles which are spaced 42 inches or more apart and less than 120 inches apart. In no event shall any single axle in any arrangement exceed *20,000* [18,000] pounds or 600 pounds per inch of the aggregate width of all the tires on a single axle, whichever is less. In no event shall the total gross weight of the vehicle and load exceed *82,000* [73,280] pounds;

(f) [(d)] A tolerance of not more than five percent per axle load shall be permitted before a carrier is deemed to have violated paragraph *(e)* [(c)] of this subsection. In no event shall the gross weight exceed *82,000* [73,280] pounds; [.]

(g) Truck tractor, semi-trailer and trailer combinations and other vehicle combinations may be operated only on those parts of the state-maintained system which has been designated by the Secretary of Transportation by official order as safely allowing same.

(2) *Vehicles* [Motor vehicle tractor and semi-trailer units] exclusively engaged in the transportation of motor vehicles, unmanufactured tobacco or unmanufactured tobacco products may, on those highways which are a part of the state-maintained system and which have been designated by the *Secretary of Transportation* [Commissioner of Highways] by official order as safely allowing same, attain *the following* [a] maximum lengths [of fifty-five feet] excluding the usual and ordinary bumper overhang of the transported vehicles; [.]

(a) Truck tractors and semi-trailers, sixty feet;

(b) Motor trucks and trailers, sixty-five feet.

(3) The *Secretary of Transportation* [Commissioner of Highways] may by order increase the weight and height limits prescribed by this chapter for motor vehicle while being operated exclusively on roads or highways being constructed, reconstructed or repaired under contract with the Department of *Transportation* [Highways] by the contractor or subcontractor, agent or employe thereof.

(4) Notwithstanding any other provisions of this chapter, in no event may the Secretary of Transportation authorize the operation of any motor vehicle or combination of motor vehicles, upon any part of the Interstate and National Defense Highway System, which exceeds the following dimension and weights:

(a) Width, 96 inches, including any part of the body or load;

(b) Weight, 18,000 pounds per single axle, with axles less than 42 inches apart to be considered as a single axle; 32,000 pounds on two axles in tandem arrangement which are spaced 42 inches or more apart and less than 96 inches apart; 48,000 pounds on three axles which are spaced 42 inches or more apart and less than 120 inches apart. In no event shall any single axle in any arrangement exceed 18,000 pounds or 600 pounds per inch of the aggregate width of all the tires on a single axle, whichever is less. In no event shall the total gross weight of the vehicle and load exceed 73,280 pounds; provided, however, in the event any federal law or laws or regulations thereunder are hereafter enacted authorizing weights and dimensions in excess of those set out in subsection (a) and (b) of this section, then the Secretary of Transportation may by official order increase the maximum weights and dimensions but in no event shall said increased weights and dimensions exceed those set out in Section 1.

Section 2. KRS 186.050 is amended to read as follows:

(1) The annual registration fee for motor vehicles, including taxicabs, airport limousines and U-Drive-Its, primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be $11.50.

(2) The annual registration fee for each motorcycle shall be $5.00, and for each sidecar attachment, $3.00.

(3) All motor vehicles except those mentioned in subsections (1) and (2), and those engaged in hauling passengers for hire, operating under certificates of convenience and necessity, are classified as commercial vehicles and the annual registration fee, except as provided in subsections (4) to (13), shall be as follows:

Declared Gross Weight of Vehicle and any Towed Unit	Registration Fee
0- 6,000	$ 11.50
6,001-10,000	24.00
10,001-14,000	30.00
14,001-18,000	50.00
18,001-22,000	132.00
22,001-26,000	160.00

26,001-32,000	216.00
32,001-38,000	300.00
38,001-44,000	474.00
44,001-*55,000* [62,000]	*544.00* [588.00]
55,001-62,000	*588.00*
62,001-73,280	750.00
73,281-82,000	*840.00*

(4) (a) Any farmer owning a truck having a gross weight of 26,000 pounds or less may have it registered as a farmer's truck and obtain a license for $11.50. The applicant's signature upon the certificate of registration and ownership shall constitute a certificate that he is a farmer engaged solely in the production of crops, livestock or dairy products, that he owns a truck of the gross weight of 26,000 pounds or less, and that during the next twelve months the truck will be used only in transporting persons, food, provender, feed, machinery, livestock, material and supplies necessary for his farming operation, and the products grown on his farm.

(b) Any farmer owning a truck having a declared gross weight in excess of 26,000 pounds shall not be required to pay the fee set out in subsection (3) of this section and, in lieu thereof, shall pay 40% of the fee set out in subsection (3) hereof. The applicant's signature upon the registration receipt shall be considered to be a certification that he is a farmer engaged solely in the production of crops, livestock or dairy products, and that during the current registration year the truck will be used only in transporting persons, food, provender, feed and machinery used in operating his farm and the products grown on his farm, and the vehicle registered will not be operated more than fifty air miles from his farm.

(5) Any person owning a truck or bus used solely in transporting school children and school employes may have the truck or bus registered as a school bus and obtain a license for $11.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the schools of the district, that he has caused to be printed on each side of the truck or bus and on the rear door the words "School Bus" in letters at least six inches high and of a conspicuous color and the truck or bus will be used during the next twelve months only for the purpose stated.

(6) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for $11.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus", with the name of the church or religious organization owning and using the truck or bus, and that during the next twelve months the truck or bus will be used only for the purpose stated.

(7) Any person owning a motor vehicle on which a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted may register the vehicle and obtain a license for $11.50 by filing with the county clerk, in addition to other information required, an affidavit that a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted on such vehicle and that during the next twelve months the vehicle will be used only in automobile wrecker service.

(8) Motor vehicles having a declared gross weight in excess of 18,000 pounds, which when operated in this state are used exclusively for the transportation of property within the limits of the city named in the affidavit hereinafter required to be filed, or within ten miles of the city limits of the city if it is a city of the first, second, third, or fourth class, or within five miles of its limits if it is a city of the fifth or sixth class, shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay forty percent of the fee set forth in subsection (3) hereof. Nothing in this section shall be construed to limit any right of nonresidents to exemption from registration under any other provisions of the laws granting reciprocity to nonresidents. Operations outside of this state shall not be considered in determining whether or not the foregoing mileage limitations have been observed. When claiming the right to the reduced fee, the applicant's signature on the certificate of registration and ownership shall constitute a certification or affidavit stating that the motor vehicle when used within this state is used only for the transportation of property within the city to be named in the affidavit and the area above set out and that the vehicle will not be used outside of a city and the area above set out during the current registration period.

(9) Motor vehicles having a declared gross weight in excess of 18,000 pounds, which are used exclusively for the transportation of coal from the point at which such coal is mined to a railhead or tipple, where such railhead or tipple is located at a point not more than fifty air miles from the point at which such coal is mined, shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay forty percent of the fee set out in subsection (3) hereof. The applicant's signature upon the certificate of registration and ownership shall constitute a certification that the motor vehicle will not be used during the current registration period in any manner other than that for which the reduced fee is provided in this section.

(10) Motor vehicles used exclusively for the transportation and delivery of motor vehicles, not including trailers and semitrailers, by means of the full amount or truckaway methods on trailers or semitrailers, shall pay an amount equal to three-fourths of the fee set out in subsection (3) hereof. Any applicant for such registration shall present to the county clerk a certification from the department that the vehicle may be licensed in accordance herewith. No clerk shall issue registrations under this section without attaching a copy of the department's certification to the Department of Revenue copy of the certificate of registration and ownership.

(11) Any owner of a commercial vehicle registered for a declared gross weight in excess of 18,000 pounds, intending to transfer same and desiring to take advantage of the refund provisions of KRS 186.056 (2) may reregister such vehicle and obtain a "For Sale" certificate of registration and ownership for $1.00. Title to a vehicle so registered may be transferred, but such registration shall not authorize the operation or use of the vehicle on any public highway. No refund may be made under the provisions of KRS 186.056 (2) until such time as the title to such vehicle has been transferred to the purchaser thereof. Provided, however, that nothing herein shall be so construed as to prevent the seller of a commercial vehicle from transferring the registration of such vehicle to any purchaser thereof.

(12) The annual registration fee for self-propelled vehicles containing sleeping or eating facilities shall be $20.00 and the tag issued shall be designated "Housecar." Provided, however, that the foregoing shall not include any motor vehicle primarily designed for commercial or farm use having temporarily attached thereto any such sleeping or eating facilities, or any commercial vehicle having sleeping facilities.

(13) The registration fee on any vehicle registered under this section shall be increased fifty percent when such vehicle is not equipped wholly with pneumatic tires.

(14) (a) The Department of Motor Transportation is authorized to negotiate and execute an agreement or agreements with other jurisdictions for the purpose of developing and instituting proportional registration of motor vehicles engaged in interstate commerce, or in a combination of interstate and intrastate commerce, and operating into, through or within the Commonwealth of Kentucky. The agreement or agreements may be made on a basis commensurate with, and determined by, the miles traveled on, and use made of, the highways of this Commonwealth as compared with the miles traveled on and use made of highways of other states, or upon any other equitable basis of proportional registration. Notwithstanding the provisions of KRS 186.020, the department shall promulgate regulations concerning the registration of motor vehicles under any agreement or agreements made under this section and shall provide for direct issuance by it of evidence of payment of any registration fee required under such agreement or agreements. Any proportional registration fee required to be collected under any proportional registration agreement or agreements shall be in accordance with the taxes established in KRS 186.050.

(b) Any owner of a commercial vehicle who is required to register his motor vehicle under this section shall first register such vehicle with the county clerk pursuant to KRS 186.020 for a fee of $1.00. Title to a vehicle so registered may be transferred, but such registration shall not authorize the operation or use of the vehicle on any public highway. The department shall promulgate regulations in accordance with this section.

The Committee Amendment to **HB 658** is as follows:

Amend printed copy of House Bill 658 page 10, line 3, by inserting on line 3 after the word "mined," the following:

"or which are used exclusively for the transportation of primary forest products from the harvest area to a mill or other processing facility, where such mill or processing facility is located at a point not more than fifty (50) air miles from the harvest area,"

HB 661, AN ACT relating to the Bureau of Highways.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 176.053 is amended to read as follows:

(1) The *bureau* [department] of highways *shall* [is authorized to] plant or set trees on and along any and all rights of way of highways or state property adjacent thereto, and *may* [to] cut and sell wood, lumber or forest products therefrom.

(2) All proceeds from the sale of such wood, lumber or forest products shall be held in a separate fund for the maintenance, construction or improvement of highways, or the acquiring or rights of way, and the improvement or development thereof.

HR 74, A RESOLUTION requesting the Kentucky Turnpike Authority and the Secretary of Transportation to obtain release of two landfill areas resulting from construction of Daniel Boone Parkway for public use as industrial and recreational areas.

WHEREAS, in the construction of the Daniel Boone Parkway a feeder road is being built from the outskirts of Hyden to the proposed toll plaza and interchange near Thousandsticks; and

WHEREAS, this construction has required that earth removed from two mountain areas be deposited in landfill areas of approximately 20 acres and 10 acres in area; and

WHEREAS, there are no suitable recreational or industrial sites close to an adequate highway or water supply and the Fiscal Court of Leslie County desires to utilize these landfill areas for an industrial park and recreational use;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Kentucky Turnpike Authority and the Secretary of Transportation are requested to negotiate with the trustee for the bondholders who have provided funds for the Daniel Boone Parkway project to the end that the two landfill areas in the Thousandsticks region be released to the Fiscal Court of Leslie County for public use as industrial and recreational parks.

HR 85, A JOINT RESOLUTION directing the Department of Transportation to designate highway US 68, from Maysville to its junction with state highways KY 32 and KY 36 near Carlisle, as "Henry Ward Highway."

WHEREAS, the Honorable Henry Ward served this Commonwealth as its Commissioner of Highways from September 1, 1960 to November 10, 1966; and

WHEREAS, during this tenure he brought about substantial rebuilding and reconstruction of highway US 68, between Maysville and its junction with state highways KY 32 and KY 36 near Carlisle, including construction of a new bridge over the Licking River at Blue Licks Battlefield State Park; and

WHEREAS, Henry Ward also has served his state as a member of the General Assembly and as Commissioner of Conservation and Commissioner of Parks and it is fitting and proper that his distinguished service be given proper recognition;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Department of Transportation is directed to designate highway US 68, between Maysville and its junction with state highways KY 32 and KY 36 near Carlisle, as "Henry Ward Highway."

Section 2. That the Department of Transportation erect five appropriate markers at intervals along this highway, placing one near the intersection with KY 32 and KY 36, one near the Blue Licks Battlefield State Park entrance, one near Mayslick, one near Washington, and one near the junction with state highway KY 10 at Maysville.

HR 87, A RESOLUTION requesting appointment of a special committee to oversee improvement of Cane Run Road in Jefferson County.

WHEREAS, traffic conditions on Cane Run Road are rapidly becoming deplorable; and

WHEREAS, the first formal hearing conducted on the desirability of improving Cane Run Road was conducted by the Department of Highways in October, 1970; and

WHEREAS, planning for the widening of Cane Run Road from two to four lanes between Algonquin Parkway and Terry Lane, a distance of approximately four miles, has been under way for three years without noticeable progress; and

WHEREAS, continued delays in this project are daily jeopardizing the safety and well-being of thousands of Jefferson countians who depend upon this arterial highway;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives inform the Interim Joint Committee on Highways and Traffic Safety of prevailing conditions on the Cane Run Road project by copy of this resolution and direct said Interim Committee to appoint a special subcommittee to maintain continuing oversight of this project, to exert efforts to implement the start of construction thereon, and to make periodic reports to the citizens of Jefferson County.

HR 94, A CONCURRENT RESOLUTION requesting federal officials to consider a mandatory allocation program for asphalt cement.

WHEREAS, the highway system of the United States of America is essential both to the economy, through its interrelated network of primary and secondary and farm-to-market roads, and to the national defense by providing access into every state and every section of the Nation in time of emergency; and

WHEREAS, the energy crisis has precipitated a shortage of many petroleum-based materials such as diesel fuel, gasoline and asphalt cement, placing a severe burden upon the highway building industry and federal and state agencies charged with responsibility to maintain primary, secondary and farm-to-market roads due to the shortage of asphalt cement; and

WHEREAS, the federal allocation program has not included asphalt cement liquid under mandatory allocation by the Federal Energy Office and there is nothing now proposed under federal regulation which would require the continued manufacture of asphalt cement, threatening both the economy and the national defense; and

WHEREAS, the road building industry employs many thousands of workers in this country and it is essential that some protection be afforded the continued future of this industry;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Federal Energy Office, the President of the United States and the Congress take into full consideration adoption of federal regulations which would place asphalt cement under a mandatory allocation program and insure its continued production at a level that is within reasonable limits which will insure the continued maintenance of our highway system.

Section 2. That the Clerk of the House of Representatives forward a copy of this resolution to the President, the chief of the Federal Energy Office, and to each member of Congress from Kentucky.

HB 374, AN ACT relating to income tax preparers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of KRS Chapter 141 is created to read as follows:

Section 1. Any person who prepares the income tax return of another shall sign his name and give in legible writing his name and address beside the signature of the person filing the return. The Department of Revenue shall provide appropriate space on the annual income tax return forms for the preparers signature, name and address.

Section 2. A new section of KRS Chapter 141 is created to read as follows:

No person shall prepare, offer to prepare, assist or advise in the preparation of the annual state or federal income tax returns of another for a fee without being registered with the Department of Revenue in accordance with the provisions of this Act. Any person who will engage, advise or assist in the preparation of income tax returns shall be registered as a tax preparer in his own name individually. Sections 2, 3, 4 and 5 of this Act do not apply to:

(1) Any certified public accountant or public accountant licensed by the Kentucky Board of Accounting:

(2) Any attorney-at-law;

(3) Any full or part-time employe hired to fill a permanent position, who in connection with his duties as an employe has the incidental duty of preparing income tax returns for the business of his employer only;

(4) While acting as such, any fiduciary, or the regular employes thereof, acting on behalf of the fiduciary estate, the testator, trustor, grantor, or beneficiaries thereof;

(5) Any person employed by a local, state or federal governmental agency but only in the performance of his official duties; and

(6) Any person enrolled to practice before the Internal Revenue Service pursuant to Title 31, part 10, Code of Federal Regulations.

Section 3. A new section of KRS Chapter 141 is created to read as follows:

(1) Application for registration as a tax preparer shall be made annually in writing upon forms prepared by the Department of Revenue. Application may be made at any of the local offices of the Department of Revenue or by mail with the department's offices in Frankfort, and shall be accompanied by an annual registration fee of fifteen dollars ($15.00). Registration shall be granted by the department only upon receipt of the following information:

(a) The name and residence address and telephone number of the applicant;

(b) Business address and telephone number and name and address of the home offices if the applicant is affiliated with a commercial tax preparer's business;

(c) A summary of qualifications, educational background, and experience in preparing income tax returns;

(d) Number of returns prepared the previous year; and

(e) Whatever other information deemed necessary by the Department of Revenue to carry out the provisions of this Act.

(2) The registrant shall be given a registration number and certificate by the Department of Revenue. All returns prepared by the registrant and all correspondences with the department concerning his registration shall be signed by the registrant and shall carry his registration number. Notice in writing shall be given within 10 days of any substantial change in the information required by Section 3 of this Act.

Section 4. A new section of KRS Chapter 141 is created to read as follows:

(1) It shall be the duty of each registered income tax preparer to conspicuously display his registration certificate in his place of business and to make his registration number always available to the public.

(2) No registered income tax preparer shall make or authorize the making of any reference to the registration required by this Act in any advertising or advertising medium. The posting of a certificate of registration, supplied by the department, in the tax preparer's office shall not constitute a violation of this subsection.

(3) Each person registered as a tax preparer shall keep records of all income tax returns prepared by him, or in the preparation of which his advice or assistance has been given. The records of the returns shall be kept for a period of not less than two (2) years after the date of preparation, advice or assistance.

Section 5. A new section of KRS Chapter 141 is created to read as follows:

(1) Registration with the department in accordance with the provisions of this Act shall carry no endorsement of the qualifications or ability of the registrant by the department.

(2) The department shall prepare for the 1976 Regular Session of the General Assembly a report evaluating the commercial income tax preparation business in the Commonwealth.

(3) The department may adopt such reasonable rules and regulations necessary to carry out the provisions of this Act.

Section 6. KRS 131.190 is amended to read as follows:

(1) No present or former commissioner or employe of the department of revenue, member of a county board of supervisors, property valuation administrator or employe thereof, *any person who prepares the tax returns for another,* or any other person, shall divulge any information acquired by him of the affairs of any person, or information regarding the tax schedules, returns or reports required to be filed with the department or other proper officer, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the person's business. This prohibition does not extend to information required in prosecutions for making false reports or returns of property for taxation, or any other infraction of the tax laws, nor does it extend to any matter properly entered upon any assessment record, or in any way made a matter of public record, nor does it preclude furnishing any taxpayer or his properly authorized agent with information respecting his own return.

(2) The commissioner shall make available any information for official use only and on a confidential basis to the proper officer, board or commission of this state, any Kentucky city, any other state, or the federal government, under reciprocal arrangements whereby the department shall receive similar or useful information in return.

(3) Statistics of tax-paid gasoline gallonage reported monthly to the department of revenue by any licensee under the gasoline excise tax law may be made public by the department.

Section 7. KRS 141.050 is amended to read as follows:

(1) Except to the extent required by differences between this chapter and its application and the federal income tax law and its application, the administrative and judicial interpretations of the federal income tax law, computations of gross income and deductions therefrom, accounting methods, and accounting procedures, for purposes of this chapter shall be as nearly as practicable identical with those required for federal income tax purposes.

(2) Every person subject to the provisions of this chapter shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations as the department from time to time may prescribe. Whenever the department judges it necessary, it may require such person, by notice served upon him, to make a return, render under oath such statements, or keep such records, as the department deems sufficient to show whether or not such person is liable for tax, and the extent of such liability.

(3) The commissioner or his authorized agent or representative, for the purpose of ascertaining the correctness of any return or for the purposes of making an estimate of the taxable income of any taxpayers, may require the attendance of the taxpayer, *the preparer of the return if other than the taxpayer,* or of any other person having knowledge in the premises.

(4) The department shall prescribe the forms and reports necessary to the proper administration of any and all provisions of this chapter, and shall promulgate such rules and regulations necessary to effectively carry out the provisions of this chapter.

Section 8. KRS 141.990 is amended to read as follows:

(1) If any taxpayer fails or refuses to file a return or furnish any information requested in writing by the department, the department may make an estimate of the net income from any information in its possession, assess the tax at not more than twice the amount estimated to be due and add a penalty of twenty-five percent of the amount of any deficiency tax assessed concerning such failure or refusal to file a return or furnish any information. This penalty shall be in addition to all other applicable penalties in this section.

(2) If any taxpayer fails to make and file a return required by this chapter on or before the due date of the return or the due date as extended by the department, then, unless it is shown to the satisfaction of the department that the failure is due to reasonable cause, five percent of the tax found to be due by the department shall be added to the tax for each thirty days or fraction thereof elapsing between the due date of the return and the date on which filed, but the total penalty shall not exceed twenty-five percent of the tax.

(3) If any part of any deficiency is due to negligence, or intentional disregard of rules and regulations but without intent to defraud, five percent of the total amount of the deficiency, in addition to the deficiency and other penalties provided in this section, shall apply.

(4) If any part of any deficiency is due to fraud with intent to evade tax fifty percent of the total amount of the deficiency, in addition to the deficiency and other penalties provided in this section, shall apply.

(5) (a) If the tax imposed by this chapter, whether assessed by the department, or the taxpayer, or any installment or portion of the tax is not paid on or before the date prescribed for its payment, there shall be collected, as a part of the tax, interest upon the unpaid amount at the rate of eight percent per annum from the date prescribed for its payment until payment is actually made to the department. If any assessment made by the department is not paid within the time prescribed, or protested in accordance with KRS 131.110, the department may assess and the taxpayer shall pay as a penalty, in addition to the amount of the tax and other applicable penalties, one percent of the tax for each month the tax remains unpaid.

(b) If any taxpayer fails to pay the tax imposed by this chapter within the time prescribed, unless it is shown to the satisfaction of the department that the failure is due to reasonable cause, the department may assess a penalty of ten percent of the tax due, plus interest on the tax and penalty from the due date at one percent a month or fraction thereof until paid.

(6) Any person required under the provisions of KRS 141.150 or 141.335 to furnish a statement required under that section who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner at the time and showing the information required under KRS 141.150 and 141.335, may for each such failure be subject to a civil penalty of ten dollars. Such penalty may be assessed and collected by the department, and the assessment of such penalty may be reviewed only in the manner provided in KRS 131.110.

(7) (a) Any employer required under the provisions of KRS 141.310, 141.315 or 141.330 to withhold taxes on wages, file returns, and make payment of amounts withheld to the department, who fails to withhold such taxes, or to file such returns when due, or who fails to remit amounts collected to the department when due, or when filing the returns understates the amount due shall, unless such failure to comply is shown to the satisfaction of the department to be due to reasonable cause, be subject to a civil penalty equal to five percent per month or fraction thereof not to exceed twenty-five percent, of the amount of taxes that should have been properly withheld and paid over to the department, or five dollars, whichever is greater, for each such failure. However, where such failure is shown to be due to reasonable cause the

department may reduce the penalty provided herein to an amount equal to five percent of the amount of taxes that should have been properly withheld and paid over to the department but not to exceed one hundred dollars, or five dollars, whichever is greater, for each such penalty. Each penalty shall be assessed and collected by the department and the assessment of such penalty may be reviewed only in the manner provided in KRS 131.110. The penalty may be waived if the return and payment are received within thirty days after the due date and the employer has no previous record of late filing or late payment within two years next preceding such due date.

(b) Any employer required to file a return under the provisions of KRS 141.330 (1) when no tax should have been properly withheld, and who fails to file the same when due, shall be subject to a civil penalty of five dollars for each violation. Such penalty shall be assessed and collected by the department and the assessment of such penalty may be reviewed only in the manner provided in KRS 131.110. The penalty may be waived if the return is received within thirty days after the due date and the employer has no previous record of late filing within two years next preceding such due date.

(8) Any individual required by KRS 141.300 to file a declaration of estimated tax and required by KRS 141.305 to pay such declaration of estimated tax may be subject to a penalty of ten percent of any underpayment or any late payment. Underpayment, for purposes of this subsection, is determined by subtracting applicable credits allowed by KRS 141.070, 141.300 and 141.310 from seventy percent of the tax liability as shown on the return for the taxable year. This subsection shall not apply to the taxable year in which the death of the taxpayer occurs nor in the case of a farmer exercising an election under subsection (5) of KRS 141.305.

(9) Any corporation required by KRS 141.042 to file a declaration of estimated tax and required to pay such declaration of estimated tax by the installment method prescribed by subsection (1) of KRS 141.044, may be subject to a penalty of ten percent of any installment underpayment or any installment not paid on time. Installment underpayment is the installment determined by subsection (1) of KRS 141.044, less the installment actually paid, based upon seventy percent of the income tax shown to be due on the final return for the year reduced by $5,000. Provided, however, that no corporation which filed declarations on the basis of its taxable income for the immediately preceding fiscal year and pays the amount thus computed when due shall be liable for any penalty under this subsection; and provided further that the levy of any penalty under this subsection shall preclude the levy of the penalty under paragraph (b) of subsection (5) of this section.

(10) Any penalty imposed by subsections (1), (2), (3), (4), (5), (6), (7), (8) or (9) of this section shall be assessed, collected, and paid in the same manner as if it were a deficiency.

(11) Every tax imposed by this chapter, and all increases, interest and penalties thereon, shall become, from the time it is due and payable, a personal debt to the state from the taxpayer or other person liable therefor.

(12) In addition to the penalties herein prescribed, any taxpayer or employer, who willfully fails to make a return or willfully makes a false return, or who willfully fails to pay taxes owing or collected, with intent to evade payment of the tax or amount collected, or any part thereof, shall upon conviction thereof be fined not less than five hundred dollars nor more than five thousand dollars, or confined in the penitentiary for not less than twelve months or more than five years, or both.

(13) Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under KRS Chapter 141 of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document shall be guilty of a felony and, upon conviction thereof, shall be fined not more than five thousand dollars, or imprisoned not more than three years, or both, together with the costs of prosecution.

(14) A return for the purpose of this section shall mean and include any return, declaration or form prescribed by the department and required to be filed with the department by the provisions of this chapter, or by the rules and regulations of the department or by written request for information to the taxpayer by the department.

(15) (a) Any person who violates sections 1 or 6 of this Act shall be fined no more than one thousand dollars ($1,000).

(b) Any person who prepares the income tax returns of another for a fee and who is required to register and does not register in accordance with the provisions of this Act or who violates any of the provisions of sections 2, 3, or 4 shall be fined not less than fifty dollars ($50.00) nor more than one thousand dollars ($1,000) or imprisoned for ninety (90) days or both.

The Committee Amendment to **HB 374** is as follows:

Amend printed copy of House Bill 374 page 1, line 4, after the word "another" to add the words "for a fee"

and on page 1, lines 10 through 20, inclusive, to delete the same

and on page 2, lines 1 through 26, inclusive, to delete the same

and on page 3, lines 1 through 22, inclusive, to delete the same

and on page 3, line 23, to delete "Section 4" and to insert in lieu thereof "Section 2."

and on page 3, lines 25 and 26, to delete the same

and on page 4, lines 1 through 9, inclusive, to delete the same

and on page 4, line 9 to delete "(3)" and to insert in lieu thereof "(1)"

and on page 4, line 9, to delete "registered as a tax preparer" and to insert in lieu thereof "who prepares the income tax return of another for a fee"

and on page 4, line 13, to delete "two(2)" and to insert in lieu thereof "four (4)"

and on page 4, lines 15 through 24, inclusive, to delete the same

and on page 4, line 25 to delete "(3)" and to insert in lieu thereof "(2)" and after the word "department" to insert "of revenue"

and on page 5, line 2, to delete "Section 6." and to insert in lieu thereof "Section 3."

and on page 6, line 8, to delete "Section 7." and to insert in lieu thereof "Section 4."

and on page 7, line 15, to delete "Section 8." and to insert in lieu thereof "Section 5."

and on page 14, lines 4 through 10, inclusive, to delete the same and to insert in lieu thereof:

"*(15) Any person who prepares the income tax returns of another for a fee and who violates any of the provisions of sec-*"

and on page 14, line 11, after "*tions*" to add "*1,*"

and on page 14, line 11, after "2" to add "*or*"

and on page 14, line 11, to delete "*3, or 4*" and to insert in lieu thereof "*3 of this Act*"

HB 789, AN ACT relating to controls with government agencies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 344 is created to read as follows:

As used in this Act, unless the context requires otherwise.

(1) "Contracting agency" means the person or persons, board, commission, court, council, governing body, employe or official which is authorized by law to purchase or contract for supplies, materials, services, or equipment for the state, county city, town, school district, water district, hospital district, or other political subdivision of the state.

Section 2. A new section of KRS Chapter 344 is created to read as follows:

All government contracting agencies of the Commonwealth of Kentucky, any county, city, town, school district, water district, hospital district, or other political subdivision of the state shall include provisions in every directly or indirectly publicly funded contract for supplies, materials, services, or equipment whereby the contractor, during the performance of the contract, agrees:

(1) not to discriminate against any employe or applicant for employment because of race, color, religion, sex, or national origin;

(2) to take affirmative action in regard to employment, upgrading, demotion, transfer, recruitment, recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, so as to ensure that applicants are employed and that employes during employment are treated without regard to their race, color, religion, sex, or national origin;

(3) to state in all solicitations or advertisements for employes placed by or on behalf of the contractor that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin;

(4) to post notices in conspicuous places, available to employes and applicants for employment, setting forth the provisions of the nondiscrimination clauses required by this Act; and

(5) to send a notice to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding advising the labor union or workers' representative of the contractor's commitments under the nondiscrimination clauses.

Section 3. A new section of KRS Chapter 344 is created to read as follows:

A contractor subject to the provisions of this Act shall include the provisions required by Section 1 of this Act in every subcontract or purchase order so that the provisions are binding upon the subcontractor or vendor.

Section 4. A new section of KRS Chapter 344 is created to read as follows:

(1) A contractor having a contract containing the provisions of Section 1 shall file, and shall require each of his subcontractors to file, compliance reports with the contracting agency. Compliance reports shall be filed at the times and shall be in the form and contain the information as to the employment practices, policies, and programs of the contractor and each subcontractor which the contracting agency may prescribe.

(2) Whenever the contractor or subcontractor has a collective bargaining agreement or other contract or understanding with a labor union or an agency referring workers, the compliance report shall include such relevant information as to the labor union's or agency's practices and policies as the contracting agency may prescribe. If the information is within the exclusive possession of a labor union or an agency referring workers and the labor union or agency refuses to furnish the information to the contractor, the contractor shall so certify to the contracting agency as part of its compliance reports and shall set forth what efforts it has made to obtain the information.

Section 5. A new section of KRS Chapter 344 is created to read as follows:

(1) In the event of the contractor's noncompliance with the nondiscrimination clauses of the contract, the contract may be cancelled or terminated, or continuance of the contract may be conditioned upon a program for future compliance approved by the contracting agency. The contracting agency may declare such a contractor ineligible for further contracts with that agency. Any debarment from further contracts with the agency by reason of noncompliance with the nondiscrimination provisions of the contract may be rescinded by the contracting agency which imposed the sanction.

(2) Each contracting agency shall make reasonable efforts within a reasonable period of time to secure compliance with the contract provisions of this Act by methods of conference, conciliation, mediation, and persuasion before a contract is cancelled or terminated for failure of a contractor or subcontractor to comply with the contract provisions of this Act.

(3) The equal employment provisions of Section 1 of this Act may be met by a contractor by subcontracting to a minority contractor or subcontractor. For the provisions of this Act a minority contractor or subcontractor shall mean a business that is owned and controlled by one or more socially or economically disadvantaged persons. Such disadvantages may arise from cultural, racial or chronic economic circumstances, physical handicap, or similar background or cause.

HB 824, AN ACT relating to district detectives.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 69.110 is amended to read as follows:

(1) In counties having a population of 150,000 or more the commonwealth's attorney shall appoint seven (7) district detectives for a term of four (4) years subject to removal at any time by the commonwealth's attorney.

(2) In counties having a population of 125,000 or more the commonwealth's attorney may appoint four (4) district detectives for a term of four (4) years subject to removal at any time by the commonwealth's attorney, subject to the approval of the fiscal court.

(3) In counties containing a city of the second class the commonwealth's attorney shall appoint a district detective for a term of four (4) years subject to removal at any time by the commonwealth's attorney.

(4) The detectives appointed pursuant to this section shall have the same power of arrest and right to execute process as sheriffs have. They shall assist the commonwealth's attorney in all matters pertaining to his office in the manner he designates and shall assist him in the preparation of all criminal cases in circuit court by investigating the evidence and facts connected with such cases.

(5) In counties containing a population of 40,000 or more persons but not containing a city of the second class, the commonwealth's attorney may, if the fiscal court concurs therein, appoint a district detective having a term of four (4) years subject to removal at any time by the commonwealth's attorney.

(6) In districts composed of three (3) or more counties and containing a city of the third class, the commonwealth's attorney may appoint a district detective having a term of four (4) years subject to removal at any time by the commonwealth's attorney. Such district detective may receive an annual salary [not to exceed $7,500,] to be paid by the fiscal courts of the district in such manner as they may agree.

(7) In all districts not covered by subsections (1) to (6) above, the commonwealth's attorney may appoint one district detective subject to the same salary and tenure provisions as subsection (6) above.

HB 825, AN ACT relating to county police.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 70.560 is amended to read as follows:

The fiscal courts of the respective counties shall fix the salaries or compensation of the chief and all other appointees and employes appointed by the county judge in accordance with the provisions of KRS 70.540. The fiscal court may within its discretion provide for motor vehicles, stations, substations, places of detention, telephone, wireless, radio or other means of communication within their discretion and make appropriate levy and appropriations therefor, *and may fix as a part of the court costs upon conviction a sum not to exceed seven dollars ($7) for each arrest by the county police force which money shall be placed in the county police force budget,* and may also, with the approval of the judge of the county court, direct the amount of bond to be required of each member of the county police force and may, in their discretion, provide for the payment of premiums on the bonds out of funds appropriated for the county police force.

The Committee on Labor and Industry reported **HB 669, HB 802, SB 124,** and **SB 186** with the expression of opinion that the same should pass. Read at length for the first time and ordered place in the Calendar.

HB 669, AN ACT relating to legal representation for the Workmen's Compensation Board.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 342.425 is amended to read as follows:

Upon the request of the board, the attorney general, [or, under his direction, the commonwealth's attorney or county attorney of any county] shall institute and prosecute the necessary actions or proceedings for the enforcement of any of the provisions of this chapter arising within his jurisdiction, and shall defend [in like manner] all actions or proceedings brought against the board or the members thereof in their official capacity.

HB 802, AN ACT relating to elevator inspections and the public safety affected thereby.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 336 is created to read as follows:

As used in this Act, unless the context otherwise requires:

(1)"Elevator" means all the machinery, construction, apparatus, and equipment used in raising and lowering a car, cage, or platform vertically between permanent rails or guides, and includes all elevators, power dumbwaiters, escalators, gravity elevators, and other lifting or lowering apparatus permanently installed between rails or guides, but does not include hand operated dumbwaiters, manlifts of the platform type with a platform area not exceeding nine hundred square inches, construction hoists, or other similar temporary lifting or lowering apparatus.

(2) "Passenger elevator" means an elevator that is designed to carry persons to its contract capacity.

(3) "Freight elevator" means an elevator normally used for carrying freight and on which only the operator and employees in the pursuit of their duties, by the permission of the employer, are allowed to ride.

(4) "General inspector" means a state inspector examined and hired to inspect elevators for the state Labor Department.

(5) "Special inspector" means an inspector examined and certified by the chief of the division of elevator inspection to inspect elevators in the state.

(6) "Inspector" means either a general or special inspector.

(7) "Division" means the division of elevator inspection.

(8) "Certificate of operation" is a certificate issued by the division of elevator inspection authorizing the operation of an elevator which must be conspicuously posted on the elevator at all times.

Section 2. A new section of KRS Chapter 336 is created to read as follows:

(1) No person may act either as a general inspector or as a special inspector of elevators unless he holds a certificate of competency from the Department of Labor.

(2) Application for examination as an inspector of elevators shall be in writing, accompanied by a fee of $10.00, upon a blank to be furnished by the department, stating the school education of the applicant, a list of his employers, his period of employment, and the position held with each. An applicant shall also submit a letter from one or more of his previous employers certifying as to his character and experience.

(3) Applications shall be rejected which contain any wilful falsification or untruthful statements. Such applicant, if the department deems his history and experience sufficient, shall be tested by means of a written examination dealing with the construction, installation, operation, maintenance, and repair of elevators and their appurtenances, and the applicant shall be accepted or rejected on the merits of his application and examination.

(4) The department shall issue a certificate of competency in the inspection of elevators to any applicant found competent upon examination. A rejected applicant shall be entitled, after the expiration of ninety days, and upon payment of an examination fee of $10.00, to another examination. Should an applicant fail to pass the prescribed examination on second trial, he will not be permitted to be an applicant for another examination for a period of one year after the second failure.

Section 3. A new section of KRS Chapter 336 is created to read as follows:

(1) There is hereby established inside the Department of Labor a "Division of Elevator Inspection" which shall administer all aspects of state elevator inspection.

(2) The chief of the division of elevator inspection shall be a person with at least five years experience in the construction, installation, maintenance, and repair of elevators and their appurtenances.

(3) The chief, with the consent of the Commissioner of Labor, may appoint and hire from the holders of certificates of competency, no more than five general inspectors of elevators.

Section 4. A new section of KRS Chapter 336 is created to read as follows:

From the holders of certificates of competency in the inspection of elevators, any company which is authorized to insure elevators in the state may designate persons to inspect elevators covered by such company's policies, and the municipal government of any city may designate such persons to inspect elevators in such city.

Section 5. A new section of KRS Chapter 336 is created to read as follows:

A certificate to serve as an inspector may be suspended or revoked by the chief of the division of elevator inspection for the incompetence or untrustworthiness of the holder thereof, or for the falsification of any matter or statement contained in his application or in a report of any inspection.

Section 6. A new section of KRS Chapter 336 is created to read as follows:

If a certificate is lost or destroyed a new one shall be issued in its place by the Department of Labor without another examination, upon the payment of a fee of $1.00.

Section 7. A new section of KRS Chapter 336 is created to read as follows:

If an elevator is insured by a company authorized to insure elevators in the state, the inspection may be made by a special inspector of such company.

Section 8. A new section of KRS Chapter 336 is created to read as follows:

If an elevator is not inspected by a special inspector, the inspection shall be made by a general inspector, and for each inspection there shall be a fee charged as prescribed by the Commissioner of Labor.

Section 9. A new section of KRS Chapter 336 is created to read as follows:

The owner or user of any elevator shall register with the division of elevator inspection every elevator operated by him, giving the type, capacity, and description, name of manufacturer, and purpose for which each is used. Such registration shall be made on a form to be furnished by the division.

Section 10. A new section of KRS Chapter 336 is created to read as follows:

Every passenger elevator, escalator, and freight elevator, including gravity elevators, shall be inspected once every twelve months. Power dumb-waiters, hoists, and other lifting or lowering apparatus permanently installed, between rails or guides, shall be inspected at least once every eighteen months.

Section 11. A new section of KRS Chapter 336 is created to read as follows:

(1) Every inspector shall forward to the division of elevator inspection a full report of each inspection made of any elevator, showing the exact condition of the said elevator, and said inspector shall leave a copy of said report at the elevator on the day the inspection is completed.

(2) If any elevator requires certain changes or repairs to make it reasonably safe to operate, such recommendations shall be made by the inspector upon his report and a copy of such report as approved by the chief of the division of elevator inspection shall be given to the owner or operator of such elevator, and unless appealed, upon compliance therewith, and upon the payment of the fees required by law, the chief shall issue a certificate of operation for a capacity not to exceed that named in the said report of inspection, which certificate shall be valid for one year after the date of inspection.

(3) If construction plans or an application of specifications is not approved, the chief shall state in writing the necessary changes to obtain approval and the owner or operator shall be given a copy thereof, and unless appealed, upon compliance therewith, the chief shall approve such plans or specifications and issue a permit for construction.

(4) Such owner or operator, within twenty days from receipt of the copy of such report or statement of changes in plans or specifications, may make written application to the division, upon forms to be furnished by the division for a hearing on the report or the statement regarding changes in plans or specifications as to whether the elevator in question is reasonably safe, or whether the elevator if constructed in accordance with such plans and specifications would be reasonably safe. The division shall promptly consider such application and proceedings consistent with the provisions of this section.

If it appears from the evidence that said elevator will be reasonably safe to operate without such changes or repairs as shown in such report or by making only a part or all thereof, or if none or only a part of all the changes in the plans or specifications are found necessary to make the elevator reasonably safe, the division shall make its finding and order accordingly. If such finding and order requires changes or repairs to be made in the elevator or changes in the plans or specifications, the chief shall upon the payment of the required fees, issue a certificate of operation when such order has been executed, or issue his approval of the plans or specifications. If the finding and order of the division has been affirmed or modified by appeal, on the grounds of reasonable safety considered by the division, then the chief shall, upon compliance with such order, and the payment of required fees, issue such certificate of operation or issue his approval of the plans and specifications but, if such finding and order of the division has been vacated such certificate of operation, upon the payment of fees or such approval of plans and specifications shall be issued forthwith. No elevator shall be operated after being inspected without having such certificate of operation conspicuously posted thereon, except pending a hearing on the issuance thereof.

Section 12. A new section of KRS Chapter 336 is created to read as follows:

The Commissioner of Labor shall make, alter, amend, and repeal rules and regulations exclusively for the safety and inspection of elevators, and in no way relating to the construction of such elevators.

Section 13. A new section of KRS Chapter 336 is created to read as follows:

Every elevator shall be equipped, maintained, and operated, with respect to the supporting members, elevator car, shaftways, guides, cables, doors, and gates, safety stops and mechanism, electrical apparatus and wiring, mechanical apparatus, counterweights, and all other appurtenances, in accordance with the regulations as are authorized in respect thereto. Where reasonable safety is obtained without complying to the literal requirements of such regulations as in cases of practical difficulty or unnecessary hardship, the literal requirements of such regulations shall not be required.

Section 14. A new section of KRS Chapter 336 is created to read as follows:

No certificate of operation for any elevator shall be issued until such elevator has been inspected and the report thereof filed with the chief of the division of elevator inspection. Such certificate of operation, when issued, shall bear the date of inspection, and shall be renewed as of the date of the subsequent inspection, provided such inspection is made at least one year after the issuance of such certificate. If such inspection is made during the year such certificate is in force, the renewal date shall be one year from the date of the certificate being renewed and the renewal certificate shall show the date of inspection.

Section 15. A new section of KRS Chapter 336 is created to read as follows:

Before any new installation of an elevator of permanent nature shall be erected or before any existing elevator is removed to a different location, an application of specifications in duplicate shall be submitted to

the division of elevator inspection giving such information concerning the construction, installation, and operation of said elevator as the division may require on forms to be furnished by said division, together with complete construction plans in duplicate. In all cases where any changes or repairs are made which alter its construction or classification, grade or rated lifting capacity, except when made pursuant to a report of an inspector, an application of specifications in duplicate shall be submitted to the division, containing such information, for approval, except in those municipal corporations which maintain their own elevator inspection departments, in which event such specifications shall be submitted to the elevator department of the municipal corporation for its approval, and if approved, a permit for the erection or repair of such elevator shall be issued by the municipal corporation. Upon approval of such application and construction plans the chief of the division of elevator inspection shall issue a permit for the erection or repair of such elevator. No new elevator shall be operated until completion in accordance with the approved plans and specifications, unless a temporary permit is granted by the division.

Section 16. A new section of KRS Chapter 336 is created to read as follows:

(1) The fee for the initial certificate of operation for all elevators, insured and uninsured, shall be $10.00, and shall be paid to the chief of the division of elevator inspection before the certificate is issued.

(2) The fee for each renewal of a certificate of operation shall be $5.00, and shall be paid to the chief before the certificate is renewed. When an elevator is inspected by a general inspector, there shall be charged for each elevator a fee of $5.00 for each inspection.

(3) An additional fee of $10.00 shall be charged for each inspection by a general inspector made on request of the owner or user of the elevator, whether or not the required number of inspections of the elevator in question have already been made. The final inspection, before operation, of a permanent, new, or repaired elevator, shall be classed as a special inspection. Such final inspection shall be made by a general inspector, but the chief of the division of elevator inspection may designate a special inspector of a municipal corporation to make such final inspection of any permanent elevator located in his municipal corporation.

Section 17. A new section of KRS Chapter 336 is created to read as follows:

No person shall violate any law relative to the operation, construction, maintenance, and repair of elevators. All fines collected for a violation of this section shall be forwarded to the chief of the division of elevator inspection, who shall pay the same into the state treasury to the credit of the general revenue fund.

Section 18. A new section of KRS Chapter 336 is created to read as follows:

If the chief of the division of elevator inspection or a general inspector of elevators finds that an elevator or a part thereof does not afford reasonable safety, the chief or the general inspector may post a notice upon such elevator prohibiting further use of the elevator until the changes or alterations set forth in the notice have been made to the satisfaction of the chief or the inspector. Said notice shall contain a statement that operators or passengers are subject to injury by its continued use, a description of the alteration or other change necessary to be made in order to secure safety of operation, date of such notice, name and signature of the chief or inspector issuing the notice.

Section 19. A new section of KRS Chapter 336 is created to read as follows:

Any person who violates any provision of this Act or regulation issued thereunder shall be fined a sum of $500 for each offense.

SB 124, AN ACT relating to workmen's compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 342.425 is amended to read as follows:

Upon the request of the board, the *Department of Labor, shall furnish an attorney who* [attorney general, or, under his direction, the commonwealth's attorney or county attorney of any county,] shall institute and prosecute the necessary actions or proceedings for the enforcement of any of the provisions of this chapter arising within his jurisdiction, and shall defend in like manner all actions or proceedings brought against the board or the members thereof in their official capacity.

SB 186, AN ACT relating to workmen's compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 342.270 is amended to read as follows:

(1) If the parties fail to reach an agreement in regard to compensation under this chapter, either party may make written application to the board for a hearing in regard to the matter at issue and for a ruling thereon. Such application must be filed within *two years* [one (1) year] after the accident, or, in case of death, within *two years* [one (1) year] after such death, or within one (1) year after the cessation of voluntary payments, if any have been made.

(2) Except with respect to uncontested claims for disability or death by reason of occupational diseases, as soon as possible after the application has been received the board shall set the date for a hearing, to be held as soon as practicable in view of the matter involved, and shall notify the parties at issue of the time and place of such hearing.

(3) Unless otherwise agreed to by the parties and authorized by the board, the hearing shall be held at or convenient to the place where the injury was sustained or the ground for disagreement occurred. Before directing a hearing, the board, a member thereof, the director or a hearing officer authorized by the board, may confer informally with the parties at issue in an attempt to assist in adjusting their differences, but may not delay the granting of a hearing, over the objection of either party, for such purpose.

(4) If the parties have previously filed an agreement which has been approved by the board and compensation has been paid or is due in accordance therewith and the parties thereafter disagree either party may invoke the provisions of KRS 342.125 which remedy shall be exclusive.

(5) An application for adjustment of claim shall be held in abeyance by the board during any period voluntary payments of compensation are being made under any benefit sections of this chapter to the maximum which the employe's wages shall entitle him, unless it shall be shown that the prosecution of the employe's claim would be prejudiced by delay.

Section 2. KRS 342.670 is amended to read as follows:

(1) If an employe, while working outside the territorial limits of this state, suffers an injury on account of which he, or in the event of his death, his dependents, would have been entitled to the benefits provided by this chapter had such injury occurred within this state, such employe, or in the event of his death resulting from such injury, his dependents, shall be entitled to the benefits provided by this chapter, provided that at the time of such injury:

(a) His employment is principally localized in this state, or

(b) He is working under a contract or hire made in this state in employment not principally localized in any state, or

(c) He is working under a contract of hire made in this state in employment principally localized in another state whose workmen's compensation law is not applicable to his employer, or

(d) He is working under a contract of hire made in this state for employment outside the United States and Canada.

(2) The payment or award of benefits under the workmen's compensation law of another state, territory, province or foreign nation to an employe or his dependents otherwise entitled on account of such injury or death to the benefits of this chapter shall not be a bar to a claim for benefits under this chapter, provided that claim under this chapter is filed within [one year] *two years* after such injury or death. If compensation is paid or awarded under this chapter:

(a) The medical and related benefits furnished or paid for by the employer under such other workmen's compensation law on account of such injury or death shall be credited against the medical and related benefits to which the employe would have been entitled under this chapter had claim been made solely under this chapter;

(b) The total amount of all income benefits paid or awarded the employe under such other workmen's compensation law shall be credited against the total amount of income benefits which would have been due the employe under this chapter, had claim been made solely under this chapter;

(c) The total amount of death benefits paid or awarded under such other workmen's compensation law shall be credited against the total amount of death benefits due under this chapter;

(3) If any employe is entitled to the benefits of this chapter by reason of an injury sustained in this state in employment by an employer who is domiciled in another state and who has not secured the payment of compensation as required by this chapter, the employer or his carrier may file with the board a certificate, issued by the commission or agency of such other state having jurisdiction over workmen's compensation claims, certifying that such employer has secured the payment of compensation under the workmen's compensation law of such other state and that with respect to said injury such employe is entitled to the benefits provided under such law, and that the benefits to which such employe or his dependents is entitled are at least as great as those to which he would be entitled if the injury occurred and was processed under Kentucky law, under Kentucky coverage. In such event:

(a) The filing of such certificate shall constitute an appointment by such employer or his carrier of the board as his agent for acceptance of the service of process in any proceeding brought by such employe or his dependents to enforce his or their rights under this chapter on account of such injury;

(b) The board shall send to such employer or carrier, by registered or certified mail to the address shown on such certificate, a true copy of any notice of claim or other process served on the board by the employe or his dependents in any proceeding brought to enforce his or their rights under this chapter;

(c) 1. If such employer is a qualified self-insurer under the workmen's compensation law of such other state, such employer shall, upon submission of evidence satisfactory to the board, of his ability to meet his liability to such employe under this chapter, be deemed to be a qualified self-insurer under this chapter;

2. If such employer's liability under the workmen's compensation law of such other state is insured, such employer's carrier, as to such employe or his dependents only, shall be deemed to be an insurer authorized to write insurance under and be subject to this chapter; provided, however, that unless its contract with said employer requires it to pay an amount equivalent to the compensation benefits provided by this chapter, its liability for income benefits or medical and related benefits shall not exceed the amounts of such benefits for which such insurer would have been liable under the workmen's compensation law of such other state;

(d) If the total amount for which such employer's insurance is liable under (c) above is less than the total of the compensation benefits to which such employe is entitled under this chapter, the board may, if it deems it necessary, require the employer to file security, satisfactory to the board, to secure the payment of benefits due such employe or his dependents under this chapter, and

(e) Upon compliance with the preceding requirements of this subsection (3), such employer, as to such employe only, shall be deemed to have secured the payment of compensation under this chapter.

(4) As used in this section:

(a) "United States" includes only the states of the United States and the District of Columbia;

(b) "State" includes any state of the United States, the District of Columbia, or any Province of Canada;

(c) "Carrier" includes any insurance company licensed to write workmen's compensation insurance in any state of the United States or any state or provincial fund which insures employers against their liabilities under a workmen's compensation law;

(d) A person's employment is principally localized in this or another state when 1. his employer has a place of business in this or such other state and he regularly works at or from such place of business, or 2. if subparagraph 1. foregoing is not applicable, he is domiciled and spends a substantial part of his working time in the service of his employer in this or such other state;

(e) An employe whose duties require him to travel regularly in the service of his employer in this and one or more other states may, by written agreement with his employer, provide that his employment is principally localized in this or another such state, and, unless such other state refuses jurisdiction, such agreement shall be given effect under this chapter;

(f) "Workmen's compensation law" includes "occupational disease law."

Calendar

HB 74 with Committee Substitute attached thereto, **HB 44, HB 594, HB 715, HB 724** with Committee Amendment attached thereto, **HB 774, SB 91, SB 191,** and **HB 637** taken from the Calendar and ordered read at length for the second time. Representative Swinford moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Motions, Petitions and Communications

Representative Swinford moved that the House concur in the following Senate Amendment to **HB 309:**

Amend printed copy of House Bill 309 as follows:

On page 2, line 24, by striking the words "*Joint Interim Committee on Appropriations*" and substituting in lieu thereof the words "*Legislative Research Commission, or a subcommittee authorized by it,* "; and on line 25, by deleting the words "*and Revenue*"; and on line 26, by adding after the word "The" the word "*commission*" and by placing brackets around the word "committee";

and on page 3, line 8, by adding after the word "The" the word "*commission*" and by placing brackets around the word "committee"; and on line 10, by adding after the word "The" the word "*commission*" and by placing brackets around the word "committee"; and on line 18, by adding before the word "committee" the word "*commission*" and by placing brackets around the word "committee"; and on line 23, by adding before the word "by" the word "*commission*" and by placing brackets around the word "committee";

and on page 4, line 2, by adding before the word "committee" the word "*commission*" and by placing brackets around the word "committee";

and on page 5, line 7, by adding after the word "The" the word "*commission*" and by placing brackets around the word "committee"; and on line 26, by deleting the word "*committee*" and substituting in lieu thereof the word "*commission*";

and on page 6, line 4, by deleting the word "*committee*" and substituting in lieu thereof the word "*commission* ";

and on page 7, by deleting the lines 4 through 7 in their entirety; and on line 11, by inserting after the words "request the" the word "*commission*" and by placing brackets around the word "committee"; and on line 13, by inserting after the word "committee"; and on line 18, by adding after the word "The" the word " *commission*" and by placing brackets around the word "committee"; and on line 20, by placing a period after the word "recommendations" and by placing brackets around the words "with the" and by deleting the words "*legislative research commission*"; and on line 19, by adding after the word "the" the word "*commission's*" and by placing brackets around the word "committee's"; and on line 21 by adding after the word, "The" the word "*commission*" and by placing brackets around the word "committee";

and on page 8, line 1, by adding after the word "filed" the word "by" and by placing brackets around the word "with"; and on line 5, by adding before "commit-" the word "*commission.*" and by placing a bracket before "commit-"; and on line 6, by placing a bracket after "tee."; and on line 24, by deleting the word " *committee*" and substituting in lieu thereof the word "*commission*";

and on page 9, line 2, by deleting the word "*committee*" and substituting in lieu thereof the word "*commission* "; and on line 8, by placing brackets around the words "of the" and by deleting the word "*committee*"; and on line 12, by deleting the word "*committee*" and substituting in lieu thereof the word "*commission*"; and on line 14, by placing brackets around the word "committee" and placing before the period the word "commission".

On page 1 by amending the title to read: "AN ACT relating to the Legislative Research Commission"

Agreed.

Representative Swinford moved that **HB 309** as amended be placed upon its passage.

On the roll call the vote was yeas 69-Arnold, Benson, Blandford, Blume, Blythe, Bowles, Brewer, E. Brown, R. Brown, Burch, Chandler, Clapp, Clarke, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hughes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Overstreet, Paxton, Roberts, Romines, Sale, Sharpe, Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wible. Nays 1-Robinson.

HB 309 as amended was passed and the title agreed to.

Representative Burch requested that his name be withdrawn as a co-sponsor of **HB 640.**

Representative McBride announced a meeting of the Committee on Banking and Insurance for March 13 at 11:00 A.M. in Room 305A.

The Speaker Pro Tempore assumed the Chair.

Orders of the Day

HB 386 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Quickert moved that **SB 135** be substituted for HB 386. Agreed.

Representative Quickert moved that **SB 135** be placed upon its passage.

Representative O'Brien moved that the vote by which the motion to substitute **SB 135** for **HB 386** was adopted be reconsidered.

Representative O'Brien withdrew his motion.

Representative Quickert moved that the rules be suspended to permit amendment to **HB 386** to be considered for **SB 135.** Agreed.

Representative O'Brien moved the adoption of the following Floor Amendment No. 2 to **SB 135:**

Amend printed copy of Senate Bill 135 page 8, lines 4 and 5, to delete "*including compensation for humilitation and embarrassment*"

On the roll call the vote was yeas 64-Arnold, Bennett, Blandford, Blythe, Bowles, Brewer, Burch, Chandler, Clapp, Crupper, Davis, Dawahare, DeMarcus, Denham, Dunn, Foster, Freeman, Gay, Graves, Guenthner, Hancock, Hardin, Head, Hinkle, Hislope, Holbrook, Holloway, Hughes, Hurst, Imes, Isler, King, Lewis, Lindsay, Little, Louden, Mason, May, McBride, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Rattliff, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stewart, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells. Nays 24-Benson, Beshear, Blume, Clarke, Dietz, Donnermeyer, Givhan, Hellard, Kafoglis, Karem, Kenton, Kidd, Kleier, Mann, McBee, McBrayer, McGill, Nett, Quickert, Reynolds, Siemens, Swinford, Wible, Yates.

The Floor Amendment No. 2 to **SB 135** was adopted.

Representative DeMarcus moved the adoption of the following Floor Amendment No. 1 to **SB 135:**

Amend printed copy of Senate Bill 135 page 9, following line 20 to add the following:

"Section 5. A new section of KRS Chapter 344 is created to read as follows:

Under no circumstances shall a child be discriminated against because of residence or geographic location in the Commonwealth with reference to attendance at a public school."

On the roll call the vote was yeas 63-Adams, Allen, Arnold, Bennett, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Burch, Chandler, Crupper, Davis, Dawhare, DeMarcus, Denham, Dunn, Foster, Gay, Graves, Guenthner, Hancock, Hardin, Head, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kenton, King, Lewis, Lindsay, Little, May, Maynard, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stewart, Turner, Van Horn, Watkins, Wible. Nays 18-Benson, Beshear, Blume, Dietz, Givhan, Hellard, Kafoglis, Karem, Kidd, Kleier, Mann, Mason, McBee, McGill, Quickert, Swinford, Troop, Yates.

The Floor Amendment No. 1 to **SB 135** was adopted.

Representative Quickert moved that **SB 135** as amended be placed upon its passage.

On the roll call the vote was yeas 87-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Burch, Chandler, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, G. White, Wible. Nays 0.

SB 135 as amended was passed and the title agreed to.

Representative Quickert moved that the vote by which **SB 135** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 96, with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hellard moved that the adoption of Committee Amendment No. 1 to **HB 96.** Agreed.

Representative Hellard moved the adoption of Committee Amendment No. 2 to **HB 96.** Agreed.

Representative Hellard moved the adoption of the following Floor Amendment No. 3 to **HB 96:**

Amend printed copy of House Bill 96 page 9, lines 14 through 21, by deleting all of Subsection (3) lines 14 through 21.

Agreed.

Representative Hellard moved that **HB 96** as amended be placed upon its passage.

On the roll call the vote was yeas 54-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Burch, Chandler, Clarke, Crupper, DeMarcus, Donnermeyer, Dunn, Foster, Freeman, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Isler, Kafoglis, Karem, Kenton, King, Kleier, Mann, Mason, McBrayer, McBride, Nett, O'Brien, Overstreet, Paxton, Priddy, Reynolds, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Swinford, Troop, Turner, Van Horn, Yates. Nays 26-Allen, Bowles, Brewer, Clapp, Davis, Dawahare, Denham, Graves, Hislope, Hughes, Imes, Lewis, Louden, McBee, Morgan, Pearman, Richardson, Roberts, Robinson, Sale, Thomas, Vincent, Watkins, Wells, G. White, Wible.

HB 96 as amended was passed and the title agreed to.

Representative Hellard moved that the vote by which **HB 96** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 397** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 640 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blume moved the adoption of the following Floor Amendment No. 5 to **HB 640:**

Amend printed copy of House Bill 640 page 1, line 14, by inserting the following after the word "office,": *"except as provided in KRS 160.200 (4)."*

And, on page 2, line 2, by striking the phrase *"nine (9)"* and inserting in lieu thereof the phrase *"seven (7)"*

And, on page 3, line 19, by inserting the following after the word *"boards": ", excepting those boards of education representing ten percent (10%) or less of the student population of the county."*

And, on page 3, line 21, by inserting the following after the word *"vacancies.": "The terms of office of members of boards of education representing ten percent (10%) or less of the student population of the county shall expire on the effective date of the merger."*

And on page 5, line 4, by striking the phrase *"eight (8)"* and by inserting in lieu thereof the phrase *"seven (7)"*

And on page 5, line 6 by striking the phrase *"The division boundary lines"*

And on page 5, by striking lines 7-26 and inserting in lieu thereof:

"The divisions, based upon 1970 United States Census Bureau Reports on total population by census tracts for Jefferson County, Kentucky shall be as follows: Division One shall include census tract 1-28; Division Two shall include census tracts 29-35, 47-53, 57-74, 80-84, 93, 129, 130; Division Three shall include census tracts 75-79, 85-88, 98-106, 107.01, 108; Division Four shall include census tracts 121.01, 123-128; Division Five shall include census tracts 36-46, 56, 90, 120, 121.02, 122; Division Six shall include census tracts 54, 55, 91, 92, 94, 95, 110.02, 113, 114, 117.01, 117.02, 118, 119; Division Seven shall include census tracts 89, 96, 97, 107.02, 109, 110.01, 111, 112, 115, 116, 117.03, 131, 132. The terms of the members to be elected, KRS 160.044 not withstanding, shall be four years and the election for the initial four year terms shall be as follows: The election of the members from Divisions Two, Four and Seven shall be held at the next regular November election following the effective date of the merger pursuant to KRS 160.041, and the election of the members from Divisions One, Three, Five and Six shall be held at the regular November election two years thereafter."

And on page 6, by striking lines 1-2

And on page 6, line 3, by striking "election"

And on page 7, line 21, by striking the phrase *"In counties contain-"*

And on page 7, by striking lines 22-23.

On the roll call the vote was yeas 57-Allen, Arnold, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Clapp, Clarke, Crupper, Dietz, Donnermeyer, Foster, Givhan, Graves, Head, Hellard, Hinkle, Hopkins, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, Overstreet, Paxton, Quickert, Reynolds, Richardson, Roberts, Schmaedecke, Schmidt, Sharpe, Stephens, Stewart, Swinford, Thomas, Troop, Turner, Vincent, J. White, Wible. Nays 18-Adams, Bennett, Burch, Chandler, Dawahare, Dunn, Freeman, Gay, Guenthner, Holbrook, Hughes, Lindsay, O'Brien, Pearman, Priddy, Romines, Van Horn, Yates.

The Floor Amendment No. 5 to **HB 640** was adopted.

Representative Blume moved that **HB 640** as amended be placed upon its passage.

Representative O'Brien moved that the enacting clause of **HB 640** be stricken.

On the roll call the vote was yeas 19-Adams, Allen, Bennett, Brewer, Burch, Chandler, Dawahare, Denham, Dunn, Freeman, Gay, Guenthner, Hopkins, Hughes, O'Brien, Priddy, Romines, Van Horn, Yates. Nays 53-Arnold, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Clapp, Crupper, Dietz, Donnermeyer, Foster, Graves, Givhan, Head, Hellard, Hinkle, Isler, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Louden, Mann, Mason, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, Overstreet, Paxton, Quickert, Reynolds, Richardson, Roberts, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Swinford, Thomas, Troop, Turner, Vincent, J. White, Wible.

The motion that the enacting clause of **HB 640** be stricken was rejected.

On the roll call the vote was yeas 54-Benson, Beshear, Blandford, Blume, Blythe, Bowles, Clapp, Crupper, Dietz, Donnermeyer, Foster, Graves, Head, Hellard, Hinkle, Isler, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, Overstreet, Paxton, Quickert, Reynolds, Richardson, Roberts, Robinson, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Swinford, Thomas, Troop, Turner, Vincent, Wells, J. White, Wible. Nays 27-Adams, Allen, Arnold, Bennett, Brewer, Burch, Chandler, Davis, Dawahare, Denham, Dunn, Freeman, Gay, Givhan, Guenthner, Holbrook, Holloway, Hopkins, Hughes, Hurst, Lindsay, O'Brien, Pearman, Priddy, Romines, Van Horn, Yates.

HB 640 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 640** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HJR 24** be deferred until **HB 232** has been acted upon. Agreed.

The Speaker resumed the Chair.

Representative Swinford moved that consideration of **HB 537, HB 487** with Committee Amendment attached thereto, and **HR 63** be deferred and that they retain their position in Orders of the Day. Agreed.

HB 426 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bennett moved that **HB 426** be placed upon its passage.

On the roll call the vote was yeas 79-Adams, Allen, Arnold, Bennett, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Head, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Isler, Kafoglis, Karem, King, Kleier, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Siemens, Smith, Stephens, Stewart, Swinford, Thomas, Turner, Van Horn, Watkins, Wells, G. White, J. White, Wible, Yates. Nays 2-Lindsay, Troop.

HB 426 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 426** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 546** and **HB 548** be deferred and that they retain their position in Orders of the Day. Agreed.

HB 672 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that **HB 672** be placed upon its passage.

Representative Schmaedecke moved that consideration of **HB 672** be deferred and that it retain its position in Orders of the Day. Rejected.

On the roll call the vote was yeas 32-Adams, Bennett, Benson, Blandford, Blume, R. Brown, Chandler, Dietz, Donnermeyer, Dunn, Givhan, Head, Isler, Kafoglis, Kenton, Kidd, King, Mann, Maynard, McBee, McBride, McGill, Paxton, Priddy, Reynolds, Romines, Siemens, Swinford, Troop, Van Horn, Wible, Yates. Nays 49-Allen, Arnold, Beshear, Blythe, Burch, Clapp, Davis, Dawahare, DeMarcus, Denham, Foster, Gay, Graves, Hancock, Hardin, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Karem, Lewis, Lindsay, Little, Louden, Mason, May, McBrayer, Nett, O'Brien, Overstreet, Pearman, Quickert, Rattliff, Richardson, Robinson, Sale, Schmaedecke, Schmidt, Smith, Stephens, Stewart, Turner, Vincent, Watkins, G. White, J. White.

HB 672 was defeated.

Representative Schmaedecke moved that the vote by which **HB 672** was defeated to reconsidered and that it retain its position in Orders of the Day.

On the roll call the vote was yeas 38-Adams, Bennett, Benson, Blandford, Blume, Chandler, Clarke, Dietz, Donnermeyer, Dunn, Givhan, Holbrook, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Mann, Maynard, McBee, McGill, Morgan, Nett, O'Brien, Paxton, Priddy, Quickert, Reynolds, Romines, Schmaedecke, Siemens, Swinford, Thomas, Troop, Van Horn, Wible, Yates. Nays 38-Allen, Arnold, Blythe, Brewer, R. Brown, Burch, Davis, Dawahare, DeMarcus, Denham, Foster, Gay, Hancock, Hardin, Hinkle, Holloway, Hopkins, Hughes, Hurst, Imes, Karem, Louden, May, Overstreet, Pearman, Rattliff, Richardson, Robinson, Sale, Schmidt, Smith, Stephens, Stewart, Turner, Vincent, Wells, G. White, J. White.

The motion that the vote by which **HB 672** was defeated be reconsidered was rejected.

Representative Hancock moved that the vote by which **HB 672** was defeated be reconsidered and said motion be postponed indefinitely.

On the roll call the vote was yeas 37-Allen, Arnold, Blythe, Brewer, R. Brown, Burch, Dawahare, DeMarcus, Denham, Foster, Graves, Hancock, Hardin, Hinkle, Hislope, Holloway, Hopkins, Hughes, Hurst, Imes, Lindsay, Little, Louden, Overstreet, Rattliff, Richardson, Sale, Schmidt, Smith, Stephens, Stewart, Turner, Vincent, Watkins, Wells, G. White, J. White. Nays 34-Bennett, Benson, Beshear, Blandford, Blume, Chandler, Clarke, Dietz, Donnermeyer, Dunn, Givhan, Isler, Kafoglis, Kidd, Mann, Maynard, McBee, McBrayer, McGill, Morgan, O'Brien, Paxton, Priddy, Quickert, Reynolds, Romines, Schmaedecke, Siemens, Swinford, Thomas, Troop, Van Horn, Wible, Yates.

The motion that the vote by which **HB 672** was defeated be reconsidered and said motion be postponed indefinitely was adopted.

HB 232, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lewis moved the adoption of the Committee Substitute for **HB 232.** Agreed.

Representative Givhan moved the reading of Floor Amendment No. 3 to **HB 232.** Agreed.

Representative Givhan moved that the rules be suspended in order that the amendment be prepared to conform with the Committee Substitute for **HB 232.** Agreed.

Representative Givhan moved that the Floor Amendment to **HB 232** be withdrawn. Agreed.

Representative Givhan moved the adoption of the following Floor Amendment No. 5 to **HB 232:**

Amend printed copy of House Bill 232 page 164, line 6, by deleting the word "persistently".

On the roll call the vote was yeas 25-Bennett, Blandford, Blythe, Bruce, DeMarcus, Foster, Givhan, Guenthner, Hancock, Hellard, Hislope, Holbrook, Hughes, Hurst, Imes, Mann, O'Brien, Robinson, Romines, Sale, Stewart, Troop, Van Horn, G. White, J. White. Nays 49-Adams, Allen, Benson, Beshear, Blume, E. Brown, Burch, Clarke, Crupper, Davis, Denham, Dietz, Donnermeyer, Dunn, Freeman, Gay, Graves, Head, Hinkle, Hopkins, Isler, Kafoglis, Kenton, Kidd, King, Lewis, Lindsay, Little, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, Overstreet, Paxton, Quickert, Richardson, Schmaedecke, Schmidt, Siemens, Stephens, Swinford, Thomas, Turner, Vincent, Wells, Wible.

The Floor Amendment No. 5 to **HB 232** was rejected.

Representative Givhan moved the adoption of the following Floor Amendment No. 4 to **HB 232:**

Amend printed copy of House Bill 232 page 163 and 164, lines 26 and 1 by deleting the words "Under circumstances endangering his life or health and"

On the roll call the vote was yeas 21-Bennett, Blandford, Blythe, Crupper, Davis, DeMarcus, Denham, Foster, Givhan, Hancock, Hellard, Holbrook, Hughes, Hurst, Mason, O'Brien, Robinson, Sale, Stewart, Van Horn, J. White. Nays 47-Adams, Allen, Arnold, Benson, Beshear, Blume, Bruce, Burch, Chandler, Clapp, Clarke, Dawahare, Dietz, Donnermeyer, Freeman, Gay, Hinkle, Hopkins, Imes, Isler, Kafoglis, Kenton, Kidd, King, Lewis, Lindsay, Mann, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, Overstreet, Paxton, Quickert, Reynolds, Sharpe, Stephens, Swinford, Troop, Turner, Vincent, Whitfield, Wible.

The Floor Amendment No. 4 to **HB 232** was rejected.

Representative Lewis moved that **HB 232,** by way of Committee Substitute, be placed upon its passage.

On the roll call the vote was yeas 91-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, E. Brown, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible. Nays 0.

HB 232, by way of Committee Substitute, was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 232,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 90, SR 16, HB 93, HB 309, HB 331, HB 407, HB 471, HB 613,** and **HJR 31** had been examined and found correctly enrolled. **SB 90, SR 16, HB 93, HB 309, HB 331, HB 407, HB 471, HB 613,** and **HJR 31** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 93, HB 309, HB 331, HB 407, HB 471, HB 613, and **HJR 31** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day

Representative Quickert moved that **HB 487** be withdrawn. Agreed.

HJR 24 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Schmaedecke moved the adoption of **HJR 24.**

On the roll call the vote was yeas 81-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Burch, Chandler, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Freeman, Gay, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hislope, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Rattliff, Reynolds, Roberts, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible. Nays 0.

HJR 24 was adopted and the title agreed to.

Representative Swinford moved that the vote by which **HJR 24** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker Pro Tempore assumed the Chair.

HB 320, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Givhan moved the adoption of the Committee Amendment No. 1 to **HB 320.** Agreed.

Representative Whitfield moved that the Floor Amendment No. 2 to **HB 320** be withdrawn. Agreed.

Representative Overstreet moved that **HB 320** as amended be laid on the table.

On the roll call the vote was yeas 37-Beshear, Blume, Bruce, Clapp, Clarke, Davis, DeMarcus, Denham, Dietz, Foster, Gay, Graves, Head, Hellard, Hopkins, Imes, Isler, Lewis, McBee, McBride, McGill, Nett, O'Brien, Overstreet, Paxton, Quickert, Rattliff, Reynolds, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Watkins, Wells, J. White, Whitfield. Nays 42-Adams, Allen, Arnold, Bennett, Benson, Blandford, Blythe, Bowles, R. Brown, Burch, Crupper, Dawahare, Donnermeyer, Dunn, Givhan, Guenthner, Hancock, Hardin, Hislope, Holbrook, Hughes, Hurst, Kenton, King, Lindsay, Louden, Mason, May, Maynard, McBrayer, Pearman, Richardson, Roberts, Robinson, Siemens, Troop, Turner, Van Horn, Vincent, G. White, Wible, Yates.

The motion that **HB 320** as amended be tabled was rejected.

Representative Schmaedecke moved the adoption of the following Floor Amendment No. 2 to **HB 320:**

Amend printed copy of House Bill 320 page 1, line 19, by deleting the word "seven" and by inserting in lieu thereof the word "three";

And on page 3, line 18, by deleting the word "shall" and by inserting in lieu thereof the word "may";

And on page 3, by deleting lines 22 through 26 in their entirety;

And on page 4, by deleting lines 1 through 10 in their entirety.

On the roll call the vote was yeas 33-Beshear, Blume, Brewer, R. Brown, Bruce, Clarke, Davis, DeMarcus, Denham, Foster, Graves, Hellard, Hopkins, Isler, Kidd, Lewis, Little, Mason, May, McBee, McGill, Morgan, Nett, O'Brien, Overstreet, Quickert, Romines, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Whitfield. Nays 41-Adams, Allen, Bennett, Benson, Blandford, Blythe, Bowles, Burch, Chandler, Clapp, Crupper, Dawahare, Dietz, Donnermeyer, Dunn, Gay, Givhan, Guenthner, Hancock, Head, Holbrook, Hughes, Hurst, Kafoglis, Karem, Kenton, King, Lindsay, Louden, Maynard, McBrayer, Pearman, Paxton, Richardson, Siemens, Troop, Turner, Van Horn, G. White, Wible, Yates.

The Floor Amendment No. 2 to **HB 320** was rejected.

Representative Givhan moved that **HB 320** as amended be placed upon its passage.

On the roll call the vote was yeas 40-Adams, Arnold, Bennett, Benson, Blandford, Blythe, Bowles, Brewer, Chandler, Crupper, Dawahare, Donnermeyer, Givhan, Guenthner, Hancock, Hardin, Holbrook, Hughes, Hurst, Karem, Kenton, King, Lindsay, Louden, Mann, Maynard, McBrayer, Pearman, Richardson, Roberts, Robinson, Schmaedecke, Schmidt, Stephens, Stewart, Troop, Turner, Van Horn, G. White, Wible. Nays 49-Allen, Beshear, Blume, R. Brown, Bruce, Burch, Clapp, Clarke, Davis, DeMarcus, Denham, Dietz, Dunn, Foster, Freeman, Graves, Head, Hellard, Hislope, Holloway, Hopkins, Imes, Isler, Kafoglis, Kidd, Lewis, Mason, May, McBee, McBride, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Rattliff, Reynolds, Sharpe, Siemens, Smith, Swinford, Thomas, Vincent, Wells, J. White, Whitfield, Yates.

HB 320 as amended was defeated.

Representative Graves moved that the vote by which **HB 320** as amended was defeated be reconsidered and said motion be postponed indefinitely.

On the roll call the vote was yeas 40-Beshear, R. Brown, Bruce, Burch, Clapp, Clarke, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Hardin, Head, Hellard, Hopkins, Imes, Isler, Kafoglis, Lewis, Little, May, McBee, McBride, McGill, Morgan, Nett, Overstreet, Paxton, Quickert, Rattliff, Roberts, Schmidt, Sharpe, Smith, Swinford, Vincent, Wells, J. White, Whitfield. Nays 31-Adams, Bennett, Benson, Blandford, Blythe, Bowles, Crupper, Dawahare, Givhan, Guenthner, Hancock, Hislope, Holbrook, Holloway, Hurst, Karem, King, Mason, Maynard, McBrayer, Richardson, Schmaedecke, Siemens, Stephens, Stewart, Troop, Turner, Van Horn, G. White, Wible, Yates.

The motion that the vote by which **HB 320** as amended was defeated be reconsidered and said motion be postponed indefinitely was adopted.

HB 477 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kenton moved the adoption of the following Floor Amendment No. 2 to **HB 477:**

Amend printed copy of House Bill 477 page 8, line 10, by inserting after "employe." the following:

"Provided, however, no employer shall under any circumstances pay a wage rate of less than 75 per hour under this subsection."

Agreed.

Representative Burch moved that Floor Amendment No. 1 to **HB 477** be withdrawn. Agreed.

Representative Yates moved the adoption of the following Floor Amendment No. 3 to **HB 477:**

Amend printed copy of House Bill 477 page 7, line 24, by deleting "$1.25" and inserting in lieu thereof "$1.30" and on page 7, line 25, by deleting "$1.50" and inserting in lieu thereof "$1.60".

On the roll call the vote was yeas 46-Adams, Arnold, Bennett, Benson, Beshear, Blandford, R. Brown, Burch, Chandler, Clarke, Crupper, Dawahare, Dietz, Donnermeyer, Givhan, Graves, Hardin, Hellard, Hislope, Hughes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Mann, Mason, May, Maynard, McBee, Morgan, Nett, Priddy, Richardson, Roberts, Romines, Schmidt, Sharpe, Siemens, Smith, Troop, Van Horn, Whitfield, Wible, Yates. Nays 7-Holbrook, Holloway, McGill, Pearman, Schmaedecke, Stephens, Turner.

The Floor Amendment No. 3 to **HB 477** was adopted.

Representative Bennett moved the adoption of the following Floor Amendment No. 4 to **HB 477:**

Amend printed copy of House Bill 477 page 8, line 23, by deleting "This provision does not apply to employes of" and on page 8, lines 24 and 25, by deleting these lines in their entirety.

And on page 9, lines 1, 2, 3, and 4, by deleting these lines in their entirety.

Rejected.

Representative R. Brown moved the adoption of the following Floor Amendment No. 5 to **HB 477:**

Amend printed copy of House Bill 477 page 19, line 4, by deleting "337.365," and on page 19, line 5, by deleting ", 337.991"

Agreed.

Representative Karem moved the adoption of the following Floor Amendment No. 6 to **HB 477:**

Amend printed copy of House Bill 477 page 9, line 1, by adding after the word "restaurant" the following: ", hotel and motel"

On the roll call the vote was yeas 26-Arnold, Blythe, Brewer, Clapp, DeMarcus, Denham, Foster, Hardin, Hellard, Hislope, Holbrook, Holloway, Kafoglis, Karem, Kleier, Lindsay, Little, Mason, McBrayer, Morgan, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Turner. Nays 42-Adams, Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Burch, Chandler, Crupper, Dawahare, Donnermeyer, Dunn, Graves, Head, Hughes, Hurst, Imes, Isler, Kenton, King, Lewis, Mann, May, McBee, McGill, Overstreet, Paxton, Priddy, Quickert, Reynolds, Richardson, Roberts, Romines, Siemens, Swinford, Thomas, Van Horn, Wells, G. White, Wible, Yates.

The Floor Amendment No. 6 to **HB 477** was rejected.

Representative Mason moved the adoption of the following Floor Amendment No. 7 to **HB 477:**

Amend printed copy of House Bill 477 page 3, lines 4-10.

On line 4 delete everthing after the word agriculture, and by deleting everything on lines 5, 6, 7, 8, 9, and 10.

The Floor Amendment No. 7 to **HB 477** was adopted.

Representative Kenton moved that **HB 477** as amended be placed upon its passage.

On the roll call the vote was yeas 85-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Burch, Clapp, Clarke, Crupper, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Ratliff, Reynolds, Richardson, Roberts, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stewart, Swinfordd, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible, Yates. Nays 2-Blythe, Stephens.

HB 477 as amended was passed and the title agreed to.

Representative Kenton moved that the vote by which **HB 477** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 605** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 679 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Quickert moved that **HB 679** be placed upon its passage.

On the roll call the vote was yeas 80-Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, Bruce, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Guenthner, Hardin, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, Vincent, Wells, G. White, J. White, Whitfield, Wible, Yates. Nays 1-Van Horn.

HB 679 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 679** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 708 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bennett moved that **HB 708** be placed upon its passage.

On the roll call the vote was yeas 79-Adams, Allen, Arnold, Bennett, Benson, Blandford, Blume, Blythe, Bowles, Bruce, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Hancock, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Nett, O'Brien, Overstreet, Pearman, Paxton, Rattliff, Reynolds, Richardson, Robinson, Romines, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Wells, G. White, J. White, Whitfield, Wible, Yates. Nays 0.

HB 708 was passed and the title agreed to.

Representative Bennett moved that the vote by which **HB 708** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker resumed the Chair.

HB 750 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Reynolds moved the adoption of the following Floor Amendment No. 1 to **HB 750:**

Amend printed copy of House Bill 750 page 8 by adding between lines 11 and 12 the following new paragraph:

"(4) The presently appointed secretary of the Kentucky Trotting Commission shall constitute the secretary of the Kentucky Harness Racing Commission until the secretary's current term expires in 1976 and the secretary's successor has been duly appointed and qualified."

Agreed.

Representative Swinford moved that **HB 750** as amended be placed upon its passage.

On the roll call the vote was yeas 81-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, E. Brown, R. Brown, Bruce, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Hancock, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Roberts, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Whitfield, Wible, Yates. Nays 0.

HB 750 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which HB 750 as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **SB 45** be deferred and that it retain its position in Orders of the Day.

On the roll call the vote was yeas 44-Arnold, Benson, Beshear, Blandford, Blume, Blythe, Bowles, E. Brown, R. Brown, Clapp, Clarke, Crupper, Denham, Dietz, Dunn, Foster, Graves, Guenthner, Head, Holloway, Hughes, Isler, Lewis, May, McBee, McBrayer, McBride, Morgan, Paxton, Priddy, Quickert, Reynolds, Richardson, Romines, Siemens, Stephens, Swinford, Turner, Vincent, Watkins, Wells, G. White, Wible, Yates. Nays 42-Adams, Allen, Bennett, Brewer, Bruce, Davis, Dawahare, DeMarcus, Donnermeyer, Freeman, Gay, Givhan, Hellard, Hislope, Hopkins, Hurst, Imes, Kafoglis, Karem, Kenton, Kidd, King, Lindsay, Little, Louden, Mason, Maynard, Nett, O'Brien, Overstreet, Pearman, Rattliff, Roberts, Robinson, Schmaedecke, Schmidt, Sharpe, Smith, Troop, Van Horn, J. White, Whitfield.

The motion that consideration of **SB 45** be deferred and that it retain its position in Orders of the Day was rejected.

Representative Quickert moved that consideration of **SB 45** be deferred until March 13, 1974, and retain its position in Orders of the Day.

Representative Freeman moved that the motion to defer action on **SB 45** until March 13, 1974, be laid on the table.

On the roll call the vote was yeas 45-Adams, Allen, Bennett, Brewer, R. Brown, Bruce, Crupper, Davis, Dawahare, DeMarcus, Donnermeyer, Foster, Freeman, Gay, Givhan, Guenthner, Hellard, Hislope,

Holbrook, Hopkins, Hurst, Imes, Kafoglis, Kidd, King, Lindsay, Little, Louden, Mason, Maynard, O'Brien, Overstreet, Pearman, Rattliff, Roberts, Robinson, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Thomas, Troop, Van Horn, J. White. Nays 37-Arnold, Benson, Beshear, Blandford, Blume, Blythe, Bowles, E. Brown, Chandler, Clapp, Clarke, Denham, Dunn, Graves, Head, Hughes, Isler, Kenton, May, McBee, McBrayer, McBride, Morgan, Paxton, Priddy, Quickert, Reynolds, Richardson, Romines, Siemens, Swinford, Turner, Vincent, Wells, Whitfield, Wible, Yates.

The motion that the motion to defer action on **SB 45** until March 13, 1974, be laid on the table was adopted.

SB 45 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Freeman moved the adoption of the following Floor Amendment No. 1 to **SB 45**:

Amend printed copy of Senate Bill 45 page 2, line 23, by adding the following:

(1) Notwithstanding the provisions of KRS 143.090, in the event General Expenditure Fund revenue estimate, plus surplus brought forward, for the 1974-75 fiscal year exceeds $916,371,095, and in the event General Expenditure Fund revenue estimate, plus surplus brought forward, for the 1975-76 fiscal year exceeds $933,485,645, one-half of all receipts from the coal severance tax received during fiscal year 1974-75 in excess of $44 million, and one-half of all receipts from the coal severance tax received during fiscal year 1975-76 in excess of $48.5 million shall be credited to an economic development revolving fund to be administered by the executive department for finance and administration. The executive department for finance and administration shall apportion this fund among those counties from which coal was severed on the basis of the ratio that the coal severed in each county bears to the total coal severed for the entire state. At least once in each calendar year the executive department for finance and administration, through a duly authorized representative, shall consult with the fiscal courts for the purpose of receiving recommendations from said fiscal courts for the the selection of economic development projects within said counties for construction, reconstruction, or maintenance. The executive department for finance and administration shall give due consideration to the recommendation of the various fiscal courts with reference to the selection of the economic development projects for construction, reconstruction or maintenance and shall, provided agreement is reached, proceed to construct, reconstruct, or maintain such projects; provided, however, that the final decision shall be made by the Commissioner of the Executive Department for Finance and Administration.

(2) The office for local government within the executive department for finance and administration shall adminster the economic development revolving fund established in Section 1 of this Act.

On the roll call the vote was yeas 55-Adams, Allen, Bennett, Beshear, Brewer, E. Brown, R. Brown, Bruce, Chandler, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Freeman, Gay, Givhan, Guenthner, Hardin, Head, Hellard, Hislope, Holbrook, Hopkins, Hurst, Imes, Kenton, King, Kleier, Lindsay, Little, Louden, Mann, Mason, Maynard, McBrayer, McGill, Nett, O'Brien, Overstreet, Pearman, Rattliff, Richardson, Roberts, Robinson, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stewart, Troop, Turner, Van Horn, J. White. Nays 24-Benson Blandford, Blume, Blythe, Bowles, Clapp, Clarke, Dietz, Hughes, Isler, Kafoglis, May, McBee, McBride, Morgan, Paxton, Quickert, Reynolds, Siemens, Swinford, Vincent, Whitfield, Wible, Yates.

The Floor Amendment No. 1 to **SB 45** was adopted.

Representative Freeman moved that **SB 45** as amended be placed upon its passage.

On the roll call the vote was yeas 61-Adams, Allen, Arnold, Bennett, Beshear, Brewer, E. Brown, R. Brown, Chandler, Clapp, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Freeman, Gay, Givhan, Guenthner, Hancock, Hardin, Head, Hellard, Hislope, Holbrook, Hopkins, Hurst, Imes, Kidd, King, Kleier, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBrayer, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Rattliff, Reynolds, Richardson, Roberts, Robinson, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stewart, Troop, Turner, Van Horn, J. White, Whitfield. Nays 24-Benson, Blandford, Blume, Bowles, Clarke, Crupper, Dunn, Graves, Hughes, Isler, Kafoglis, Kenton, McBee, McBride, Paxton, Priddy, Quickert, Romines, Siemens, Swinford, Thomas, Vincent, Wible, Yates.

SB 45 as amended was passed.

Representative Freeman moved the adoption of the following Title Amendment to **SB 45:**

Amend printed copy of Senate Bill 45 page 1, by deleting the present title and inserting in lieu thereof the following:

"AN ACT relating to revenue and taxation."

On the roll call the vote was yeas 54-Adams, Allen, Bennett, Beshear, Brewer, E. Brown, R. Brown, Chandler, Clapp, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Freeman, Gay, Givhan, Guenthner, Hardin, Hellard, Hislope, Holbrook, Hopkins, Hurst, Imes, Kidd, King, Little, Louden, Mason, May, Maynard, McBrayer, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Rattliff, Roberts, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Thomas, Troop, Turner, Van Horn, J. White. Nays 17-Benson, Blandford, Blume, Bowles, Clarke, Graves, Isler, Kafoglis, McBee, McBride, Paxton, Reynolds, Siemens, Swinford, Vincent, Wible, Yates.

The Title Amendment to **SB 45** was adopted.

Representative Freeman moved that the vote by which **SB 45** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 430 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kenton moved that **HB 430** be placed upon its passage.

On the roll call the vote was yeas 89-Adams, Allen, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, E. Brown, R. Brown, Burch, Chandler, Clapp, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Hopkins, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible, Yates. Nays 0.

HB 430 was passed and the title agreed to.

Representative Kenton moved that the vote by which **HB 430** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 438, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the Committee Amendment No. 1 to **HB 438.** Agreed.

Representative Swinford moved that **HB 438** as amended be placed upon its passage.

On the roll call the vote was yeas 72-Adams, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, E. Brown, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lewis, Lindsay, Little, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Nett, O'Brien, Pearman, Paxton, Priddy, Richardson, Roberts, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Stephens, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Whitfield, Wible. Nays 0.

HB 438 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 438** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 528, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kafoglis moved the adoption of the Committee Amendment No. 1 to **HB 528.** Agreed.

Representative Kafoglis moved that **HB 528** as amended be placed upon its passage.

On the roll call the vote was yeas 56-Bennett, Beshear, Blandford, Blume, Blythe, Bowles, E. Brown, R. Brown, Bruce, Burch, Chandler, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Gay, Graves, Hancock, Head, Hellard, Holbrook, Imes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lewis, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, Paxton, Quickert, Richardson, Schmaedecke, Schmidt, Stephens, Swinford, Turner, Vincent, Watkins, Whitfield, Wible. Nays 13-Allen, Brewer, Hardin, Holloway, Hopkins, Hughes, Little, Priddy, Robinson, Romines, Sharpe, Van Horn, J. White.

HB 528 as amended was passed and the title agreed to.

Representative Kafoglis moved that the vote by which **HB 528** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 530 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kenton moved that **HB 530** be placed upon its passage.

On the roll call the vote was yeas 62-Allen, Benson, Beshear, Blandford, Blume, Blythe, E. Brown, R. Brown, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Graves, Guenthner, Hancock, Hardin, Head, Hopkins, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Louden, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Overstreet, Paxton, Priddy, Quickert, Richardson, Romines, Schmaedecke, Schmidt, Siemens, Smith, Stephens, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible. Nays 5-Brewer, Denham, Holbrook, Lindsay, Rattliff.

HB 530 was passed and the title agreed to.

Representative Kenton moved that the vote by which **HB 530** was passed by reconsidered and said motion be postponed indefinitely. Agreed.

HB 558 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved that **HB 558** be placed upon its passage.

On the roll call the vote was yeas 64-Adams, Arnold, Benson, Beshear, Blandford, Blume, E. Brown, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lindsay, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Paxton, Priddy, Quickert, Romines, Schmaedecke, Sharpe, Siemens, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Wible. Nays 3-Davis, Rattliff, Schmidt.

HB 558 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 558** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 583 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved that **HB 583** be placed upon its passage.

On the roll call the vote was yeas 74-Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, Bruce, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBrayer, McGill, Morgan, Nett, Overstreet, Pearman, Priddy, Quickert, Rattliff, Reynolds, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Thomas, Troop, Van Horn, Wells, G. White, J. White, Whitfield, Wible, Yates. Nays 10-E. Brown, Givhan, McBee, McBride, Paxton, Robinson, Swinford, Turner, Vincent, Watkins.

HB 583 was passed and the title agreed to.

Representative Clarke moved that the vote by which **HB 583** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 651 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kenton moved that **HB 651** be placed upon its passage.

On the roll the vote was yeas 69-Adams, Allen Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, E. Brown, R. Brown, Bruce, Burch, Chandler, Clarke, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Isler, Kafoglis, Kenton, Kidd, King, Lindsay, Little, Louden, Mann, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Overstreet, Pearman, Paxton, Quickert, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 1-DeMarcus.

HB 651 was passed and the title agreed to.

Representative Kenton moved that the vote by which **HB 651** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 665 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative King moved that **HB 665** be placed upon its passage.

On the roll call the vote was yeas 76-Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, E. Brown, R. Brown, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Kidd, King, Kleier, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Whitfield, Wible, Yates. Nays 0.

HB 665 was passed and the title agreed to.

Representative King moved that the vote by which **HB 665** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 682 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that **HB 682** be placed upon its passage.

On the roll call the vote was yeas 71-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Burch, Clapp, Crupper, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Guenthner, Hancock, Head, Holbrook, Holloway, Hughes, Hurst, Isler, Kafoglis, Karem, Kidd, King, Kleier, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Rattliff, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Wible, Yates. Nays 0.

HB 682 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 682** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HR 65 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Romines moved the adoption of **HR 65.**

HR 65 was adopted by voice vote.

SB 68 taken from Orders of the Day and ordered read at length for the third thime. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wible moved that **SB 68** be placed upon its passage.

On the roll call the vote was yeas 77-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, E. Brown, R. Brown, Bruce, Burch, Chandler, Clapp, Crupper, Davis, Dawahare, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Reynolds, Richardson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, Wible, Yates, Nays 2-Allen, Denham.

SB 68 was passed and the title agreed to.

Representative Wible moved that the vote by which **SB 68** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 483, as amended, taken from Orders of the Day. Representative Swinford moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative Kenton moved the adoption of the following Floor Amendment No. 2 to **HB 483:**

Amend printed copy of House Bill 483 pages 1 through 13 by deleting the text following the enacting clause and inserting in lieu thereof the following:

"Section 1. KRS 28.435 is amended to read as follows:

(1) Any circuit judge may, if he deems it necessary to aid the court and the stenographic reporter, require that a device for the recording of the testimony be used in any proceeding in a circuit court; Provided That such a device may not be used for recording the testimony in a proceeding unless the regular or a special stenographic reporter is present to take full stenographic notes of the proceeding, except that the court with

the approval of the parties, acting through their respective attorneys, may require that a device be used solely for recording such testimony without the presence of a stenographic reporter.

(2) The fiscal court of any county *or an urban government* may purchase a recording device for the use of the circuit court of that county *or urban government* if it deems the purchase of such a device to be to the best interest of the county *or urban government* considering the county *or urban government* finances and other permissible expenditures.

(3) Recording device, as used in this section, means any device, materials and appurtenances, by which the voices of speakers are recorded so that they may be reproduced later in audible form.

Section 2. KRS 28.440 is amended to read as follows:

(1) In counties having a population of 150,000 or more, the reporters of the criminal branch divisions of the circuit court shall receive the salaries which may be increased or decreased to the amount fixed by the presiding judges of said divisions by written recommendation to the fiscal court of the county *or urban government* which recommendation shall become effective upon its approval by resolution of the fiscal court *or urban government council* but they shall receive no other compensation from the county *or urban government* or state for their services as reporters in the divisions, except as hereinafter provided. They shall receive *fifty cents (50)* [thirty cents (30)] per hundred (100) words for making a transcript for a person other than the county *or urban government* or state. If the transcript is made upon motion of the defendant in a criminal case, he shall pay the fee therefor, unless the court directs the reporter to file a transcript upon the motion of a party suing in forma pauperis, in which event the fee shall be paid by the county *or urban government.*

(2) In counties having a population of 150,000 or more, the fees of reporters serving in civil cases in any division of the circuit court shall be fixed by the presiding judge thereof at not more than ten dollars ($10.00) per day for taking stenographic reports, and *fifty cent (50)* [thirty cents (30)] per hundred words for the transcript thereof, which shall be paid forthwith by the party in whose behalf the report or transcript is ordered, and shall be taxed as part of the costs of the action. The reporter is not required to file any transcript without payment therefor by the party in whose behalf it is ordered, unless the presiding judge of the division directs him to file a transcript upon the motion of a party suing in forma pauperis.

(a) Reporters of the common pleas branch of the court shall be paid salaries in addition to the fees above prescribed. The salaries may be increased or decreased to the amount fixed by a majority of the members of the general term of the circuit court by written recommendation to the fiscal court of the county *or urban government* which recommendation shall become effective upon its approval by resolution of the fiscal court *or urban government council.*

(b) Reporters of the chancery branch of the court shall be paid salaries in addition to the fees above prescribed, to be fixed by a majority of the members of the general term of the circuit court by written recommendation to the fiscal court of the county *or ubran government council,* which recommendation shall become effective upon its approval by resolution of the fiscal court *or urban government council*; but the salaries may be increased or decreased in the same manner as provided for reporters of the common pleas branch of the court.

(3) For duplicate copies of transcripts, reporters in counties having a population of 150,000 or more shall be allowed one-half (1/2) the amount they are allowed for the original, to be paid for in the same manner as the original.

Section 3. KRS 28.450 is amended to read as follows:

(1) Reporters for circuit courts in counties containing a city of the second class shall receive for their services in taking stenographic notes, a salary of not less than five thousand dollars ($5,000) per annum, to be fixed by the fiscal court of said county and paid in monthly instalments by the county.

(2) (a) The reporters for circuit courts in counties containing a city of the second class shall receive fifty cents (50) per hundred words for making a transcript for a person other than the county or state in criminal cases. If the transcript is made upon motion of the defendant in a criminal case, he shall pay the fee therefor, unless the court directs the reporter to file a transcript upon the motion of a party suing in forma pauperis, in which event the fee shall be paid by the county.

(b) In civil cases the fees shall be paid forthwith by the party in whose behalf the report of transcript is ordered, and shall be taxed as part of the costs of the action. The reporter shall not be required to file a transcript in any civil case without payment therefor by the party in whose behalf it is ordered.

(3) For duplicate copies of transcripts reporters of circuit courts in counties containing a city of the second class shall be allowed 1/2 the amount allowed for the original, to be paid in the same manner as the original.

Section 4. KRS 28.460 is amended to read as follows:

(1) Reporters for circuit courts, other than courts of continuous session and courts of counties containing a city of the second class, shall receive a salary to be fixed by the circuit court not to exceed a sum of six thousand dollars ($6,000), to be paid out of the county treasuries of the counties embraced in the district in proportion to the number of days of court provided for by law in each county and to be paid upon certification of the circuit court to the fiscal courts. In addition to such salary, the reporter shall be entitled to the fees provided for in this section.

(2) The fees of reporters for circuit courts, other than courts of continuous session and courts of counties containing a city of the second class, shall be twenty-five dollars ($25.00) per day for taking shorthand notes, provided that no reporter shall charge more than twenty-five ($25.00) dollars per day, and *fifty cents (50)* [forty cents (40)] per hundred words for the original transcript thereof.

(a) In criminal cases the fees shall be paid, upon the order of the presiding judge, by the county in which the court is situated, if the transcript is ordered for the use of the commonwealth's attorney. If the taking or the transcript is requested upon the motion of the defendant, he shall pay for same if, in the opinion of the court, he is able to do so. If it appears that that the defendant is not able to pay for the taking or for the transcript, the court shall direct the same to be paid by the county.

(b) In civil cases the fees shall be paid forthwith by the party in whose behalf the report of transcript is ordered, and shall be taxed as part of the costs of the action. The reporter shall not be required to file a transcript in any civil case without payment therefor by the party in whose behalf it is ordered.

(3) For duplicate copies of transcripts reporters of circuit courts, other than courts of continuous session and courts of counties containing a city of the second class, shall be allowed one-half (1/2) the amount they are allowed for the original, to be paid for in the same manner as the original.

Section 5. KRS 64.290 is repealed."

Agreed.

Representative Kafoglis moved the adoption of the following Floor Amendment No. 3 to **HB 483:**

Amend House Bill 483 page 2 in Section 2 on the third line of that subsection by inserting "*twenty-five dollars ($25.00)*" before the word "ten" and by inserting brackets around "ten dollars ($10.00)"

Agreed.

Representative Kafoglis moved that **HB 483** as amended be placed upon its passage.

On the roll call the vote was yeas 65-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, E. Brown, Chandler, Clapp, Clarke, DeMarcus, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lindsay, Louden, Mann, Mason, Maynard, McBee, McBride, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, Van Horn, Watkins, Wells, Wible, Yates. Nays 15-Allen, Blythe, R. Brown, Bruce, Davis, Guenthner, Holbrook,, Holloway, Imes, Little, May, Overstreet, Robinson, Vincent, Whitfield.

HB 483 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 483** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 17** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 32 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Siemens moved that **HB 32** be placed upon its passage.

On the roll call the vote was yeas 65-Adams, Arnold, Bennett, Benson, Beshear, Blume, Brewer, E. Brown, R. Brown, Chandler, Clarke, Crupper, Davis, Dawahare, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Guenthner, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Nett, O'Brien, Paxton, Quickert, Reynolds, Romines, Schmaedecke, Schmidt, Siemens, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Whitfield, Wible, Yates. Nays 3-DeMarcus, Overstreet, Robinson.

HB 32 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 32** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 38, HB 92** with Committee Amendment attached thereto, **HB 263,** and **HB 459** with Committee Substitute attached thereto, be deferred and that they retain their position in Orders of the Day. Agreed.

HB 506, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wible moved the adoption of the Committee Amendment to **HB 506.** Agreed.

On the roll call the vote was yeas 71-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, E. Brown, R. Brown, Bruce, Chandler, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Kidd, King,Kleier, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Overstreet, Quickert, Richardson, Robinson, Romines, Schmaedecke, Sharpe, Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Whitfield, Wible, Yates. Nays 4-Karem, Kenton, McBride, Paxton.

HB 506 as amended was passed and the title agreed to.

Representative Wible moved that the vote by which **HB 506** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 511** and HB 527 be deferred and that they retain their position in Orders of the Day. Agreed.

HB 535, with Committee Substitute and Committee Amendment to the Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Benson moved the adoption of the Committee Substitute for **HB 535.** Agreed.

Representative Benson moved the adoption of the Committee Amendment to the Committee Substitute for **HB 535.** Agreed.

Representative Schmidt moved the adoption of the following Floor Amendment No. 2 to the Committee Substitute for **HB 535:**

Amend printed copy of House Bill 535 page 1, line 11, by bracketing the period and adding "or mutual agreement between the employe and employer."

Agreed.

Representative Benson moved that **HB 535,** by way of Committee Substitute as amended, be placed upon its passage.

On the roll call the vote was yeas 57-Adams, Bennett, Benson, Blandford, Blume, E. Brown, R. Brown, Chandler, Dawahare, Dietz, Donnermeyer, Dunn, Gay, Givhan, Graves, Guenthner, Hardin, Hellard, Holbrook, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, Maynard, McBee, McBrayer, McGill, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Richardson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, Wible, Yates. Nays 17-Arnold, Blythe, Clarke, Davis, DeMarcus, Denham, Foster, Hancock, Head, Holloway, Hopkins, Hughes, Karem, McBride, Rattliff, Robinson, Stephens.

HB 535, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 535,** by way of Committee Substitute as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 539 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Thomas moved that the Floor Amendments for **HB 539** be read. Agreed.

Representative Overstreet moved the adoption of the following Floor Amendment No. 1 to **HB 539:**

Amend printed copy of House Bill 539 page 2, line 10, by deleting line 10 through line 26; on page 3 by deleting line 1 through line 26; on page 4 by deleting line 1 through line 25; on page 4, line 26 by deleting after the word "Section" the number "3" and inserting in lieu thereof the number "2"; and on page 7, line 21 by deleting after the word "Section" the number "4" and inserting in lieu thereof the number "3"

Agreed.

Representative Donnermeyer moved the adoption of the following Floor Amendment No. 2 to **HB 539:**

Amend printed copy of House Bill 539 by deleting the bracket before "a" on page 7, line 25; by deleting the bracket after "association" on page 8, line 5; by inserting a bracket before "(a)" on page 8 line 6; and by inserting a bracket after "application" on page 9 line 2.

On the roll call the vote was yeas 45-Adams, Arnold, Bennett, Benson, Blandford, Blume, Brewer, Chandler, Dietz, Donnermeyer, Dunn, Freeman, Gay, Graves, Hardin, Head, Isler, Kidd, King, Kleier, Lewis, Mann, May, Maynard, McBrayer, McBride, McGill, Morgan, Overstreet, Pearman, Paxton, Priddy, Quickert, Romines, Schmaedecke, Schmidt, Sharper, Siemens, Swinford, Thomas, Troop, Van Horn, Watkins, Wible, Yates. Nays 14-Blythe, Davis, Denham, Foster, Hancock, Holbrook, Holloway, Karem, Little, O'Brien, Rattliff, Richardson, Stephens, Turner.

The Floor Amendment No. 2 to **HB 539** was adopted.

Representative Kafoglis moved the adoption of the following Floor Amendment No. 3 to **HB 539:**

Amend printed copy of House Bill 539 page 1, line 12, by deleting after the comma the word "shall" and inserting in lieu thereof the word "may"

And on page 2, line 2, by deleting after the comma the word "may" and inserting in lieu thereof the word "shall"

And on page 2, line 9, by adding a new sentence "The board shall have the authority to determine whether the applicant's training and experience qualifies him to be eligible for application to take the examination for the practice of dental hygiene."

And on page 5, line 26, by deleting after the comma, the word "may" and inserting in lieu thereof the word "shall"

And on page 6, line 8, by adding a new sentence "The board shall have the authority to determine whether the applicant's training and experience qualifies him to be eligible for application to take the examination to practive as a licensed practical nurse."

And on page 8, line 21, by deleting after the comma the word "may" and inserting in lieu thereof the word "shall"

And on page 9, line 2, by adding a new sentence "The board shall have the authority to determine whether the applicant's training and experience qualifies him to be eligible for application to take the examination to practice as a physical thereapist."

Agreed.

Representative Thomas moved that **HB 539** as amended be placed upon its passage.

On the roll call the vote was yeas 54-Arnold, Bennett, Benson, Blandford, Blume, Blythe, Brewer, Chandler, Clarke, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Graves, Hancock, Hardin, Head, Hellard, Hopkins, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lindsay, Mann, Mason, Maynard, McBee, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Romines, Sharpe, Siemens, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, Wells, Wible, Yates. Nays 15-Adams, Allen, Davis, Guenthner, Holbrook, Holloway, Hughes, Imes, Karem, Little, Richardson, Robinson, Schmaedecke, Stephens, Turner.

HB 539 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 539** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 557** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 565 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stephens moved that **HB 565** be placed upon its passage.

On the roll call the vote was yeas 67-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, Bruce, Chandler, Clarke, Davis, Denham, Dietz, Donnermeyer, Dunn, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Imes, Isler, Karem, Kenton, Kidd, King, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Richardson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Wible, Yates. Nays 1-Priddy.

HB 565 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 565** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 573** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 633 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hopkins moved that **HB 633** be placed upon its passage.

On the roll call the vote was yeas 76-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Chandler, Clarke, Davis, Denham, Dietz, Donnermeyer, Dunn, Freeman, Gay, Givhan, Graves, Guenthner, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Richardson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 1-Thomas.

HB 633 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 633** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 634, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Beshear moved the adoption of the Committee Amendment to **HB 634.** Agreed.

Representative Beshear moved that **HB 634** as amended be placed upon its passage.

On the roll call the vote was yeas 44-Arnold, Benson, Beshear, Blandford, Blume, Blythe, E. Brown, R. Brown, Chandler, Clarke, DeMarcus, Denham, Donnermeyer, Foster, Givhan, Graves, Hellard, Holbrook, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Mann, May, McBrayer, Morgan, O'Brien, Paxton, Quickert, Reynolds, Richardson, Schmaedecke, Schmidt, Siemens, Stephens, Swinford, Thomas, Troop, Vincent, Watkins, Whitfield, Wible. Nays 34-Adams, Allen, Bennett, Brewer, Davis, Dawahare, Dunn, Freeman, Gay, Guenthner, Hardin, Holloway, Hopkins, Hughes, Hurst, Isler, King, Little, Louden, Mason, McBee, Overstreet, Pearman, Priddy, Rattliff, Robinson, Romines, Sharpe, Smith, Stewart, Turner, Van Horn, J. White, Yates.

HB 634 as amended was passed and the title agreed to.

Representative Beshear moved that the vote by which **HB 634** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 635 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kenton moved that **HB 635** be placed upon its passage.

On the roll call the vote was yeas 72-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, E. Brown, Bruce, Chandler, Clarke, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Guenthner, Hancock, Head, Hellard, Holbrook, Hopkins, Hughes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lindsay, Mann, Mason, May, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays-0.

HB 635 was passed and the title agreed to.

Representative Kenton moved that the vote by which **HB 635** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 636 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Beshear moved that **HB 636** be placed upon its passage.

On the roll call the vote was yeas 77-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, E. Brown, R. Brown, Bruce, Chandler, Clarke, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Guenthner, Hancock, Head, Hellard, Holbrook, Hopkins, Hughes, Hurst, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Nett, O'Brien, Overstreet, Pearman, Paxton, Quickert, Reynolds, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 1-Priddy.

HB 636 was passed and the title agreed to.

Representative Beshear moved that the vote by which **HB 636** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 652 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Chandler moved that **HB 652** be placed upon its passage.

On the roll call the vote was yeas 72-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Donnermeyer, Dunn, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Isler, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, Wible. Nays 2-Denham, Richardson.

HB 652 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 652** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 668, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved the adoption of the Committee Substitute for HB 668. Agreed.

Representative Bruce moved that **HB 668,** by way of Committee Substitute, be placed upon its passage.

On the roll call the vote was yeas 77-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, E. Brown, Bruce, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Hellard, Holbrook, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, Overstreet, Pearman, Paxton, Priddy, Reynolds, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible. Nays 0.

HB 668, by way of Committee Substitute, was passed and the title agreed to.

Representative Bruce moved that a call of the roll be taken to show co-sponsors of **HB 668.** Agreed.

The following members voted to co-sponsor **HB 668:** Representatives Adams, Allen, Arnold, Bennett, Brewer, E. Brown, Clarke, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Givhan, Hancock, Hardin, Head, Hopkins, Hughes, Hurst, Kafoglis, Kenton, Kidd, Lewis, Lindsay, May, McBee, McBrayer, Pearman, Paxton, Priddy, Richardson, Romines, Sharpe, Smith, Stephens, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, Wible.

Representative Bruce moved that the vote by which **HB 668,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 675, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Van Horn moved the adoption of the Committee Substitute for **HB 675.** Agreed.

Representative Van Horn moved that **HB 675,** by way of Committee Substitute, be placed upon its passage.

On the roll call the vote was yeas 75-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, E. Brown, R. Brown, Bruce, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Smith, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible. Nays 2-Allen, Stephens.

HB 675, by way of Committee Substitute, was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 675** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 693** and **HB 697** be deferred and that they retain their position in Orders of the Day. Agreed.

HB 698 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative R. Brown moved that **HB 698** be placed upon its passage.

On the roll call the vote was yeas 57-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, E. Brown, R. Brown, Chandler, Clapp, Dawahare, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Hardin, Hellard, Hopkins, Hughes, Isler, Kafoglis, Kenton, Kidd, Little, Louden, Mann, Mason, May, Maynard, McBee, Morgan, O'Brien, Overstreet, Pearman, Paxton, Reynolds, Richardson, Romines, Schmaedecke, Sharpe, Stephens, Stewart, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible. Nays 6-Allen, DeMarcus, Hancock, Karem, Quickert, Smith.

HB 698 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 698** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 699 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative R. Brown moved that **HB 699** be placed upon its passage.

On the roll call the vote was yeas 73-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, E. Brown, R. Brown, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham,

Dunn, Foster, Freeman, Gay, Givhan, Graves, Hancock, Hardin, Head, Hellard, Holbrook, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Little, Louden, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Quickert, Reynolds, Romines, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible. Nays 2-Donnermeyer, Mann.

HB 699 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 699** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 712 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blandford moved that **HB 712** be placed upon its passage.

On the roll call the vote was yeas 68-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, E. Brown, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Graves, Guenthner, Hancock, Hardin, Head, Holbrook, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Richardson, Romines, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, J. White, Wible, Yates. Nays 0.

HB 712 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 712** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 722** and **HB 723** be deferred and that they retain their position in Orders of the Day. Agreed.

HB 739 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative R. Brown moved that **HB 739** be placed upon its passage.

On the roll call the vote was yeas 60-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, E. Brown, R. Brown, Chandler, Davis, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Hardin, Head, Holbrook, Hopkins, Isler, Kafoglis, Kenton, Kidd, Kleier, Lewis, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Reynolds, Richardson, Romines, Sharpe, Smith, Stephens, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible. Nays 1-Karem.

HB 739 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 739** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HCR 60 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Robinson moved that **HCR 60** be placed upon its passage.

On the roll call the vote was yeas 78-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, E. Brown, R. Brown, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, King, Lewis, Lindsay,

Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Smith, Stewart, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 1-Kidd.

HCR 60 was passed and the title agreed to.

Representative Robinson moved that the vote by which **HCR 60** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HR 66 taken from Ordrs of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved that **HR 66** be adopted.

On the roll call the vote was yeas 79-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, E. Brown, R. Brown, Bruce, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Hopkins, Hughes, Hurst, Isler, Karem, Kenton, Kidd, King, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Whitfield, Wible, Yates. Nays 0.

HR 66 was adopted and the title agreed to.

Representative Swinford moved that the vote by which **HR 66** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **SB 114** be deferred and that it retain its position in Orders of the Day. Agreed.

SB 150 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McBrayer moved that **SB 150** be placed upon its passage.

On the roll call the vote was yeas 73-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, E. Brown, R. Brown, Chandler, Clapp, Clarke, Davis, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Reynolds, Richardson, Robinson, Romines, Schmidt, Sharpe, Smith, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 1-Lindsay.

SB 150 was passed and the title agreed to.

Representative McBrayer moved that the vote by which **SB 150** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 152 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Troop moved that **SB 152** be placed upon its passage.

On the roll call the vote was yeas 75-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, E. Brown, R. Brown, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Hancock, Hardin, Head, Hellard, Holloway,

Hopkins, Hurst, Isler, Kafoglis, Karem, Kidd, King, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stewart, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 0.

SB 152 was passed and the title agreed to.

SB 153 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Troop moved that **SB 153** be placed upon its passage.

On the roll call the vote was yeas 77-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, E. Brown, Bruce, Chandler, Clapp, Davis, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Imes, Isler, Kafoglis, Karem, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 0.

SB 153 was passed and the title passed to.

Representative Swinford moved that the vote by which **SB 153** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 154 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Denham moved that **SB 154** be placed upon its passage.

On the roll call the vote was yeas 73-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, E. Brown, R. Brown, Bruce, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Imes, Isler, Kafoglis, Kidd, King, Kleier, Lewis, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Wible, Yates. Nays 1-Lindsay.

SB 154 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 154** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 155 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Denham moved that **SB 155** be placed upon its passage.

On the roll call the vote was yeas 76-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, E. Brown, R. Brown, Bruce, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Imes, Isler, Kafoglis, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Reynolds, Richardson, Robinson, Romines, Schmaedekce, Schmidt, Sharpe, Smith, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates, Nays 0.

SB 155 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 155** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 185 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blythe moved that **SB 185** be placed upon its passage.

On the roll call the vote was yeas 74-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, E. Brown, R. Brown, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kidd, King, Kleier, Lewis, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, Overstreet, Pearman, Paxton, Priddy, Reynolds, Richardson, Robinson, Romines, Schmaedecke, Sharpe, Smith, Stewart, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 2-O'Brien, Stephens.

SB 185 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 185** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 222 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Whitfield moved that **SB 222** be placed upon its passage.

On the roll call the vote was yeas 77-Adams, Arnold, Bennett, Beshear, Blandford, Blume, Blythe, Brewer, E. Brown, R. Brown, Bruce, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kidd, King, Lewis, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, Nett, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 2-Lindsay, O'Brien.

SB 222 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 222** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SR 1 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Quickert moved that **SR 1** be placed upon its passage.

On the roll call the vote was yeas 56-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, E. Brown, R. Brown, Bruce, Chandler, Clapp, Clarke, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Hardin, Head, Hughes, Imes, Isler, Kafoglis, King, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Schmaedecke, Sharpe, Stephens, Swinford, Thomas, Vincent, J. White, Wible, Yates. Nays 14-Allen, Davis, DeMarcus, Graves, Guenthner, Hancock, Hellard, Holloway, Hopkins, Karem, Overstreet, Turner, Van Horn, Watkins.

SR 1 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SR 1** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Kidd requested that she be recorded as changing her vote from "yea" to "nay" on **SB 185.** Agreed.

Representative Blandford moved that the House concur in the following Senate Amendment to **HB 15:**

The Senate has passed House Bill No. 15 with the following Amendment:

Amend printed copy of House Bill 15 as follows:

Page 3, lines 21 through 24, by deleting the above lines.

The Senate respectfully requests concurrence of this Amendment by this Honorable Body.

On the roll call the vote was yeas 41-Arnold, Bennett, Benson, Beshear, Blandford, Blume, E. Brown, Chandler, Clapp, Donnermeyer, Dunn, Graves, Head, Hellard, Hughes, Kafoglis, Karem, Kenton, Kidd, Lewis, Mann, May, McBee, McBrayer, McGill, Morgan, O'Brien, Pearman, Paxton, Priddy, Quickert, Reynolds, Romines, Stephens, Swinford, Thomas, Vincent, Watkins, J. White, Wible, Yates. Nays 32-Allen, Blythe, Brewer, R. Brown, Bruce, Davis, DeMarcus, Denham, Foster, Guenthner, Hancock, Hardin, Holbrook, Holloway, Hopkins, Imes, Isler, King, Lindsay, Little, Louden, Mason, Nett, Overstreet, Richardson, Robinson, Schmaedecke, Schmidt, Sharpe, Smith, Turner, Van Horn.

The motion that the House concur in the Senate Amendment to **HB 15** was adopted.

Representative Blandford moved that **HB 15** as amended be placed upon its passage.

On the roll call the vote was yeas 54-Arnold, Bennett, Beshear, Blandford, Blume, E. Brown, Chandler, Clapp, Clarke, Donnermeyer, Dunn, Foster, Graves, Hancock, Head, Hellard, Hughes, Imes, Isler, Kafoglis, Kidd, King, Kleier, Lewis, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Pearman, Priddy, Reynolds, Richardson, Romines, Schmaedecke, Sharpe, Stephens, Stewart, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, Whitfield, Wible, Yates. Nays 12-Allen, R. Brown, Davis, DeMarcus, Denham, Guenthner, Holbrook, Holloway, Overstreet, Robinson, Schmidt, Smith.

HB 15 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 15** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 249, as amended by Senate Amendment No. 5, taken from Orders of the Day. Representative Swinford moved that it be placed upon its passage. Agreed.

On the roll call the vote was yeas 65-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, E. Brown, R. Brown, Chandler, Clapp, Clarke, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Head, Hellard, Holbrook, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Reynolds, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Stephens, Swinford, Thomas, Van Horn, Vincent, Watkins, J. White, Wible, Yates. Nays 6-Allen, DeMarcus, Hardin, Sharpe, Stewart, Turner.

HB 249 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 249** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that the rules be suspended for action on a resolution. Agreed.

Representative Swinford moved the adoption of the following **HR 99:**

HR 99, by Representatives Schmaedecke, Crupper, Denham, Dietz, Donnermeyer, Isler, King, Mann, McBee, Schmidt, and Swinford. A RESOLUTION expresssing the sorrow of the House over the death of Judge Lawrence D. Wichmann.

HR 99, A RESOLUTION expressing the sorrow of the House over the death of Judge Lawrence D. Wichmann.

WHEREAS, Lawrence D. Wichmann, judge of Kenton Circuit Court's Fourth Division, passed from this life at 2:50 p.m., Saturday, March 9; and

WHEREAS, Judge Wichmann was only 41 years old at his death, one of the youngest circuit judges in Kentucky; and

WHEREAS, among those who knew him well, his fellow circuit judges, it has been stated: "He was a fine friend, a fine lawyer, and a fine judge. His passing will leave a void hard to fill-and as to his personal friendship, it will be unfillable," and, "Larry was so warm and so sincere always, and so conscientious," and, "It's a tragic loss to the community and to me personally," and also, "I think Larry Wichmann was one of the finest men I ever met in my life and undoubtedly he would have become one of the finest judges this area would ever have;" and

WHEREAS, we members of the House of Representatives wish to add our expression of sorrow and loss to these heartfelt statements;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House adjourn this day, March 12, 1974, in honor of the memory of Judge Lawrence D. Wichmann.

Section 2. That the clerk of the House be directed to send copies of this resolution to his wife, Carole Walther Wichmann, and his parents, Mr. and Mrs. Frank A. Wichmann.

Agreed.

Announcements

Representative Stephens requested that he be recorded as voting "yea" on **HB 675.**

Representative Swinford moved that when the House adjourns, it do so until 1:00 P.M., March 13, 1974. Agreed.

Representative Swinford moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative Swinford moved that when the House adjourns, it do so by voice vote. Agreed.

Representative Swinford moved that the rules be suspended for Introduction of Resolutions, Reference of Bills and Resolutions, Posting of Bills and Resolutions for Consideration, and Report of Committees. Agreed.

Introduction of Bills and Resolutions.

HR 100, by Representatives Swinford and Blume: A RESOLUTION to commend the 105th Congress of the American Correctional Association which will meet in Louisville, August 17 to 21, 1975.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Banking and Insurance: **SB 224, SB 225, SB 234.**

State Government: **SB 205.**

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Counties and Special Districts: **HB 799, HB 818, HB 848, HB 670.**

Cities: **SB 285, SB 286.**

Health and Welfare: **HB 862.**

State Government: **HB 826, HB 849, HB 851, HB 853, HB 855, HB 861, HB 865, HB 869, SB 275.**

Business Organizations and Professions: **SB 197, SB 305, SR 30.**

Banking and Insurance: **HB 864, SB 106, HB 847, SB 224, SB 225, SB 234.**

Appropriations and Revenue: **SB 278, HB 329, HB 290, HB 291, HB 533, HB 779.**

Judiciary: Withdrawn **HB 625.**

Report of Committees

The Committee on Business Organizations and Professions reported **HB 740** and **SB 188** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 740, AN ACT relating to the termite and pest control industry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 249 is created to read as follows:

The following sections of Chapter 249 of the Kentucky Revised Statutes shall be known by the title of "Kentucky Structural Pest Control Act of 1974."

Section 2. A new section of KRS Chapter 249 is created to read as follows:

As used in KRS Chapter 249, unless otherwise required by context:

(1) "Department" shall mean the Department of Agriculture;

(2) "Commissioner" shall mean the Commissioner of Agriculture;

(3) "Board" shall mean the State Board of Agriculture;

(4) "Commission" shall mean the Kentucky Structural Pest Control Commission.

(5) "Termite" shall mean termite commonly used as well as other cellulose destroying organisms of all types;

(6) "Pests" shall mean any arthropods, mollusks, annelid worms, rodents and other pestiferous vertebrate animals, vermin, fungi or bacteria; excluding termites.

(7) "Fumigation" shall mean the primary use of poison gases, to destroy termites or pests in any enclosed space;

(8) "Structural Pest Control" shall mean the control of termites or pests, including the identification of infestations or infections; the making of inspection, inspection reports, recommendations, offering advice regarding control methods or sanitation procedures relative to termites and pests, estimates, or bids, whether oral or written, with respect to such infestations; making contracts or submitting bids for, advertising for or performing services designated to prevent, control, repel, or eliminate such infestations by the use of insecticides, pesticides, fungicides, rodentcides, fumigants, or allied chemicals or substances, mechanical devices or structural modifications under whatever name known, for the purpose of preventing, controlling,

repelling and eradicating termites and pests in household structures, commercial buildings and other structures (including household structures, commercial buildings and other structures in all stages of construction) or the contents thereof, and outside areas, including the treatment of railroad cars, trucks, ships and airplanes or any one or any combination thereof. Excluded under this definition are textile manufacturers, cleaners or furriers who treat fabrics or furs in their place of business exclusively.

(9) "Operator or Manager" shall mean the designated person, within a firm, partnership, corporation, organization, association, or any combination thereof, who manages or is in charge of a business of structural pest control including advertising, soliciting or performing any of the services covered under the provisions of this Chapter.

(10) "License" shall mean an instrument authorizing a person to act or engage in structural pest control operations as an operator or manager. The license may be issued by the Board and signed by the Commissioner upon certification of the applicant's qualifications by the Commission.

(11) "Applicant" shall mean any person applying for an operator's license or managers license.

(12) "Office" shall mean point of headquarters or location of the principal operation of a pest control firm or a point or location from which branch offices or operations are supervised.

(13) "Branch Office" shall mean any location other than the main or home office or point of headquarters of principal operation of a firm from which structural pest control activities are carried out. The maintenance of personnel and/or equipment at a point from which sales are made or solicited, or service rendered shall constitute a Branch Office within the meaning of this Chapter. Each Branch Office shall have a licensed manager.

Section 3. A new section of KRS Chapter 249 is created to read as follows:

(1) There is hereby created within the Kentucky Department of Agriculture, the Structural Pest Control Commission which shall consist of seven (7) members. The membership of this Commission shall be composed of the Commissioner of Agriculture, the Chairman of the Department of Entomology at the University of Kentucky, the Commissioner of the Department for Natural Resources and Environmental Protection, the Director of the Consumer Protection Agency, the President of the Kentucky Pest Control Association, or their designated representatives, two members appointed by the Commissioner from a list of persons from the pest control industry submitted by the Kentucky Pest Control Association, who shall be residents of the Commonwealth of Kentucky.

(2) All members shall serve a term of two years until their successors are appointed and qualified, except that the two members from the pest control industry first appointed shall hold office as follows: One for one year, and one for two years. All members of the Commission shall be appointed or designated, as the case may be, and shall commence their respective terms or the effective date of the Act. Vacancies occurring during a term shall be filled by appointment for the unexpired term as provided in Subsection (1) of this section.

(3) At the first meeting of the Commission they shall elect a Chairman and a Vice Chairman who shall serve as such at the pleasure of the Commission. The Chairman or the Vice Chairman shall preside at all meetings and vote as any other members.

(4) Four members of the Commission shall constitute a quorum but any action or order of the Commission shall require the approval of at least four members.

(5) The Commission shall be called into session at such times as there are matters for its consideration. It shall meet at least once each calendar year at Frankfort or such other place in Kentucky as the Chairman shall direct; provided, however, that four members of the Commission may call a special meeting of the Commission on ten days notice to the other members.

(6) Members of the Commission shall serve without compensation but members who are not employees of the Commonwealth of Kentucky are entitled to reimbursement for actual expenses incurred in carrying out the work of the Commission.

Section 4. A new section of KRS Chapter 249 is created to read as follows:

The Commission shall have the following powers and duties:

(a) The Commission shall develop standards and criteria for licensing persons engaged in the business of structural pest control. The Commission shall require applicants to pass an examination demonstrating their competence in the field or fields of Structural Pest Control in order to qualify for a license.

(b) The Commission shall conduct examinations to determine whether an applicant is competent and qualified in the field or fields of structural pest control specified in his application.

(c) Certify the qualifications of an applicant to the Board.

(d) Certify the qualifications of such licensed operators to the Commissioner of the Department for Natural Resources and Environmental Protection.

(e) The Commission shall have the power to promulgate reasonable rules and regulations concerning the following matters:

(1) Standards of application and workmanship;

(2) Proper health and safety precautions;
(3) Requirements for contractual responsibilities and fulfillment of agreements;
(4) Proof of financial responsibility;
(5) Furnishing of reports and information necessary for the Commission, Board and the Department to carry out the provisions of KRS Chapter 249;
(6) Fields of operations for which licenses may be issued.
(f) Conduct hearings relating to the denial, suspension or revocation of licenses issued under this Chapter.
(g) The Commission shall promulgate rules and regulations governing the methods and practices of structural pest control when it determines that the public's health and welfare necessitates such regulations in order to prevent adverse effects on human life and the environment. The rules and regulations relaing to the use of economic poisons shall comply with applicable federal standards governing the use of such substances.

Section 5. A new section of KRS Chapter 249 is created to read as follows:
Structural pest control is divided into the following fields and a license is required for each such field:
(1) Control of termites by any method other than fumigation;
(2) Control of pests by any method other than fumigation;
(3) Fumigation;
(4) Any additional fields the Commission shall designate.

Section 6. A new section of KRS Chapter 249 is created to read as follows:
(1) It shall be unlawful for any person, firm partnership, corporation, organization, association or any combination thereof, to engage in the business of structural pest control unless it is under the supervision of a licensed operator or manager. Written application for a license shall be made on forms prescribed and provided by the Commission, and each applicant shall furnish such information as the Commission may require for its determination of the applicant's qualifications and said applications shall state the field or fields of operation in which a license is desired. Written application shall be made to the Commission and accompanied by the examination fee or fees at least 30 days prior to the next scheduled examination. Every applicant shall then be examined by the Commission at its next meeting. If the applicant passes an examination in the field or fields of operation specified in his application and is otherwise found to be competent and qualified, the Commission shall certify the applicant's qualification to the Board. The Board may then issue a license in the specific field or fields in which the applicant is certified as qualified. The license may be renewed annually upon payment of the annual license fee, without examination, if the licensed operator is otherwise qualified and has complied with the rules and regulations of the Commission, unless his license has been previously revoked. The licensed operator or manager must, however, be examined when application is made for a license in a field which he is not then licensed.
(2) Each applicant for an initial license and each licensed operator or manager shall register annually, and shall pay an initial and annual fee of $100.00 dollars. The registration and annual fee shall also be paid by each office of a non-resident operator who engages in structural pest control business within Kentucky and each such office shall have a separate qualified operator or manager licensed in Kentucky. Every non-resident owner shall designate a resident agent upon whom service of process may be made to enforce the provisions of KRS Chapter 249 or any liabilities arising from the operations hereunder.
(3) Each office and each Branch Office in the Commonwealth of Kentucky shall be required to have a separate and individual licensed qualified operator or manager.
(4) No applicant for operators license shall be eligible for examination unless he has had at least two years experience in the field of structural pest control in which application for license is made, or has in lieu thereof two or more years training in specialized pest control, termite control or fumigation in a recognized college or university, majoring in subjects devoted to the professional field in which he proposes to engage.
(5) No applicant for a managers license shall be eligible for examination unless he has had one (1) year experience in the field of structural pest control in which application is made, or has in lieu thereof one or more years training in specialized pest control, termite control or fumigation in a recognized college or university, majoring in subjects devoted to the professional field in which he proposes to engage.

Section 7. A new section of KRS Chapter 249 is created to read as follows:
Each applicant for a license shall pay to the Department an examination fee of $25.00 dollars for each of the fields of structural pest control in which he chooses to be examined. An examination for one or more fields of structural pest control may be taken at the same time. However, a subsequent application for license in any additional field requires the payment of an additional $25.00 dollar fee. If an applicant fails to pass an examination in one or more fields of structural pest control, he shall have the right to take one additional examination at a regularly scheduled date upon payment of a $25.00 dollar fee for each field of structural pest control which he specified on his application. If an applicant fails to pass the second examination in any field or fields in which he is examined, he may then submit a new application for examination after the expiration of 1 year from the date of his last failure.

Section 8. A new section of KRS Chapter 249 is created to read as follows:

A license issued by the Board shall not be transferable or assignable. In the event of the death of a licensed operator, or manager, his heirs, representatives, and other persons or legal entities, which may have an interest in the structural pest control business in which the deceased operator or manager was the owner, manager or supervisor, shall be allowed a minimum of 120 days from such death or until the next meeting of the Commission following the expiration of said 120 day period to have a qualified licensed operator or manager to operate or manage said business under the provisions of this Chapter.

Section 9. A new section of KRS Chapter 249 is created to read as follows:

A license may be revoked by the Board upon recommendation of the Commission after notice and hearing as provided for in this Chapter for any one or more of the following causes:

(1) The licensed operator or manager, his solicitor or agent, making any material representation for the purpose of defrauding any member of the public, or using any method or material that is not reasonably suited for the purpose for which it was employed;

(2) Failure of a licensed operator or manager to comply with any of the provisions of Chapter 249 of the Kentucky Revised Statutes or any reasonable rule or regulation promulgated by the Commission;

(3) Failure to pay any final judgment rendered against any licensed operator or manager, his employee, solicitor or representative by reason of liabilities resulting from activities under KRS Chapter 249;

(4) Refusal to provide the Commission with reasonable, complete and adequate information upon request and within a reasonable time;

(5) If licensed operator or manager shall fail to make the registration and pay annual fees as required by KRS Chapter 249.

Section 10. A new section of KRS Chapter 249 is created to read as follows:

A license may be suspended by the Board upon recommendation of the Commission, after notice and hearing as provided for in this Chapter for any cause for which it may be revoked, provided, however, the licensed operator or manager may have the alternative, except in cases involving Subsection (1) of Section 9 of KRS Chapter 249, subject to the approval of the Board, to pay in lieu of part of all of the days of any suspension period, the sum of $50.00 dollars per day.

Section 11. A new section of KRS Chapter 249 is created to read as follows:

The Board shall after denying an application for a license, if petitioned by the applicant within ten days of notification, or before suspending or revoking any license, set the matter down for a hearing before either the Board or the Commission and shall at least fifteen days prior to the date set for the hearing notify the applicant or licensed operator or manager in writing, which said notice shall contain an exact statement of the charges made and the date and place of the hearing. Such written notice may be served by delivery of it personally to the applicant for licensed operator or manager or by mailing it by registered mail to his last known address. The hearing shall be at the time and place precribed by the Board.

Section 12. A new section of KRS Chapter 249 is created to read as follows:

(1) In the preparation and conduct of hearings any member of the Board or Commission, whichever is conducting the hearing, shall have the power to administer oaths and require by subpoena the attendance and testimony of witnesses and the production of designated records, documents, papers, books, accounts, letters, photographs, objects, or tangible things, not privileged. for purposes of inspection, copying or photographing. The fees and mileage shall be the same as prescribed by law for judicial procedure in civil cases. Any party to a hearing shall have the right to the attendance of witnesses in his behalf upon making a request thereof to the Board or Commission, whichever is conducting the hearing, and designating the person or persons sought to be subpoenaed.

(2) Testimony may be taken by depositions as in civil cases and any person may be compelled to appear and dispose in the same manner as witnesses as hereinbefore provided.

(3) Any person who shall neglect or refuse to attend and testify or to answer any lawful inquiry or to produce documentary evidence if in his power to do so, is in disobedience of a subpoena or lawful requirement by the Board or Commission, as the case may be, and shall be subject to prosecution under this Chapter.

Section 13. A new section of KRS Chapter 249 is created to read as follows:

The Board or Commission shall notify the applicant or licensed operator or manager of its decision within twenty days after the hearing in the manner provided in this Chapter. The Board or Commission upon request of the applicant or licensed operator or manager shall furnish him with a definite statement of its findings of fact and its reason or reasons for refusing to grant him a license, or for the suspension of the rights of the licensed operator, or manager, or for the revocation of the license, as the case may be. The order of the Board, if an appeal is not taken as herein provided, shall be conclusive and binding as to all questions of fact, but any applicant or licensed operator or manager shall have the right to appeal from the decision of the Board as provided in this Chapter. If an appeal is perfected as provided in this Chapter, the decision of the Board shall be stayed until final adjudication.

Section 14. A new section of KRS Chapter 249 is created to read as follows:

(1) Any applicant or licensed operator or manager aggrieved by the action of the Board in refusing to grant a license or in suspending or revoking a license may within twenty days after the date of notification, file in the office of the Clerk of Franklin Circuit Court, an attested copy of the record of proceedings before the Board or Commission, as the case may be, together with its findings of fact and reasons therefor, provided he shall first bond to secure the cost of the action in such sum as may be approved by the Clerk, with good and solvent surety. The Board shall be a necessary party to all such appeals. The Circuit Clerk shall thereupon docket the case and shall immediately issue a summons for the Board. No formal pleading shall be set down by the court for a hearing as early as possible.

(2) No new or additional evidence may be introduced in the Franklin Circuit Court except as to fraud or misconduct of some person engaged in the administration of this Chapter and affecting the order or decision of the Board, but the court shall otherwise hear the cause upon the record as attested by the Board or Commission and shall dispose of the cause in a summary manner, its review being limited to determining whether or not:

(a) the Board acted without or in excess of its powers; or

(b) the order or decision appealed from was procured by fraud; or

(c) if questions of fact are in issue, whether or not any substantial evidence supports the order or decision appealed from.

(3) After the hearing provided for in subsection (2) the court shall enter judgment sustaining or setting aside the order or decisions of the Board.

(4) Either party aggrieved by judgment of the Franklin Circuit Court may appeal to the Court of Appeals in the manner provided in the Rules of Civil Procedure.

Section 15. A new section of KRS Chapter 249 is created to read as follows:

Chapter 249 shall not apply to an individual working on his own premises, or to regularly employed wage hands working thereon, or to persons who furnish or sell insecticides, fungicides or rodenticides, other than those engaged in structural pest control operations, for application or use by others, or to aerial applicators holding a valid permit for the Department for Natural Resources and Environmental Protection.

Section 16. A new section of KRS Chapter 249 is created to read as follows:

All fees collected by the Department shall be deposited in the State Treasury to the credit of a revolving fund for the use of the Department in enforcing the provisions of KRS Chapter 249 and for the expense of carrying out the duties and functions of the Commission.

Section 17. A new section of KRS Chapter 249 is created to read as follows:

No prosecution shall be made under KRS Chapter 249 unless it is commenced within two years of the time the violation is committed.

Section 18. A new section of KRS Chapter 249 is created to read as follows:

All operators who are duly licensed on the effective date of the Kentucky Structural Pest Control Act of 1974 shall be issued operators license without examination and shall have twelve months thereafter to provide qualified and licensed managers at each Branch Office of such operator and are exempt from paying the annual license fee for each applicant so qualified and licensed until the date of the next annual registration.

Section 19. A new section of KRS Chapter 249 is created to read as follows:

The authorized representatives of the Department shall have the power of peace officers in the enforcement of this Act, and may enter upon public or private premises for the purpose of inspection, and may examine during reasonable hours the records, materials and equipment of any operator.

Section 20. A new section os KRS Chapter 249 is created to read as follows:

Any person violating any of the provisions of this Act or any lawful order, rule or regulation issued thereunder, shall be fined not less than Five Hundred Dollars for the first offense and not less than One Thousand Dollars for each subsequent offense, or not less than thirty days nor more than one year in jail or both.

Section 21. KRS 249.250, 249.255, 249.260, 249.262. 249.265, 249.270, 249.280, 249.290, 249.300, 249.305, 249.310, 249.317, 249.319, 249.321, 249.323, 249.330, 249.340, 249.345, and 249.990(6) are repealed.

SB 188, AN ACT relating to the issuance of automobile registration plates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 67 is created to read as follows:

(1) The fiscal court of any county shall have the authority to enact an ordinance to prohibit the issuance of automobile registration plates by the county court clerk to those owners of motor vehicles residing

in the county whose county property taxes on said motor vehicle are delinquent. In addition, the ordinance shall direct the sheriff to submit to the fiscal court and the county court clerk a list of those owners of motor vehicles whose county property taxes on said motor vehicles are delinquent. Upon payment of delinquent county property taxes on motor vehicles and any penalty for such delinquency, the owner shall show receipt of payment issued by the sheriff to the county court clerk, who shall then issue the automobile registration plate pursuant to the provisions of KRS 186.040.

(2) Upon passage of the ordinance prescribed in subsection (1), the fiscal court shall publish the ordinance in a newspaper having general circulation within the county pursuant to the provisions of KRS Chapter 424.

Section 2. KRS 186.040 is amended to read as follows:

(1) Upon receiving the application and fee, the county clerk shall issue to the owner a certificate of registration and ownership containing the information required by subsection (2) and a registration plate *; however, if the fiscal court of a county enacts an ordinance pursuant to the provisions of Section 1 of this Act, then the county court clerk of the county shall not issue automobile registration plates to owners of motor vehicles whose county property taxes on said motor vehicles are delinquent.* If the department finds that there is a shortage of materials suitable for making plates, or that a substantial saving will result, it may require by regulation with the approval of the governor that previously issued plates continue to be used for a designated period. For services performed the owner shall pay the county clerk the sum of one dollar ($1.00) for each registration.

(2) The certificate of registration and ownership shall contain the registration number, the names and post office addresses of the owner and the secured party as shown by the financing statement on file in the office of the county clerk and such other information as the department may require. The owner's copy of such certificate shall bear the seal of the county clerk who issued same. No fee shall be charged for placing such seal on the owner's copy of the certificate.

(3) If a motor vehicle, other than a new motor vehicle, is registered in this state under the authority of a bill of sale, registration receipt or title, the certificate of registration and ownership shall show the title or the registration number and the name of the state issuing same under which the motor vehicle was last registered in addition to the other required information.

The Committee Amendment to **SB 188** is as follows:

Amend printed printed copy of Senate Bill 188 page 1, line 15, following "sheriff" by inserting "or the county delinquent personal property tax collector".

Announcements

The following Committee meetings were announced:

Appropriations and Revenue, 12 noon, Room 305.

Cities, 10:30 P.M., Room 305.

Health and Welfare, 9:00 until 11:00 A.M., Room 305.

Business Organizations and Professions, March 14, 1974, 11:00 A.M., Court Room.

The following members filed Floor Amendments: Representative Schmaedecke, No. 3 to **HB 459;** Representative Hughes, No. 7 to **HB 232;** Representative Hughes, No. 6 to **HB 232;** Representative Schmaedecke, No. 2 to **HB 459;** Representative Hughes, No. 7 to **SB 206;** Representative Hughes, No. 6 to **SB 206;** Representative Clarke, No. 8 to **SB 206;** Representative Freeman, No. 1 to **HB 710;** Representative McBride, No. 1 to **SB 57;** Representative Van Horn, No. 1 to **HB 601;** Representative Paxton, No. 3 to **HB 495;** Representative Richardson, No. 1 to **HB 511;** Representative Kenton, No. 1 to **HB 573;** Representative Schmidt, No. 2 to **HB 17;** Representative Schmidt, No. 1 to **HB 17.**

Representative Stephens requested that his name be added as co-sponsor of the following bills: **HB 61, HB 68, HB 69, HB 100, HB 533.**

Adjournment

Representative Swinford moved that the House adjourn until 1:00 P.M., Wednesday, January 13, 1974.

WEDNESDAY, MARCH 13, 1974

FIFTY-SECOND LEGISLATIVE DAY

The House was called to order by Speaker Blume.

Prayer by Reverend Beryl Spross, Church of the Nazarene, Frankfort.

The roll was called. All present except Representatives E. Brown and Harris.

Representative Isler moved that absent members be granted leave of absence in accordance with the rules of the House. Agreed.

The following members filed excuses: Representatives E. Brown and Harris.

Representative Hughes moved that the reading of the Journal of March 12, 1974, be dispensed with and the same approved. Agreed.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **HJR 90, HR 95.**

Agriculture and Natural Resources: **HJR 93.**

Highways and Traffic Safety: **HR 96.**

State Government: **HR 92.**

Report of Committees

The Committee on Rules reported the following Bills and Resolutions have been posted for passage in Orders of the Day, March 14, 1974: **HB 223** with Committee Substitute attached thereto, **SB 37, SB 94, HB 94** with Committee Amendment attached thereto, **HB 454** with Committee Amendment attached thereto, **HB 507, HB 726, HB 44, HB 74** with Committee Substitute attached thereto, **HB 594, HB 774, SB 91,** and **HB 637.**

The Committee on Rules reported **SB 191** has been recommitted to the Committee on Appropriations and Revenue for study of fiscal implications.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Education: **HB 846, HB 859, HB 860, HB 867, SB 18, SB 247, SB 276, SB 306.**

Agriculture and Natural Resources: **SB 298, SB 295, SB 264, HB 673, HB 328, HB 465, HB 612, HB 370, HB 610.**

Health and Welfare: **SB 274.**

The Clerk announced the following Bills and Resolutions have been withdrawn from Committee consideration:

Agriculture and Natural Resources: **HB 562.**

Motions, Petitions and Communications

Representative Karem moved that the rules be suspended for action on a resolution. Agreed.

Representative Karem moved the adoption of the following **HR 97:**

HR 97, A CONCURRENT RESOLUTION commending the legislative interns.

WHEREAS, the 20 legislative interns have assisted the various standing committees of the General Assembly, and

WHEREAS, the interns were chosen on the basis of their proven scholastic excellence by impartial and non-political selection committees, and

WHEREAS, the interns have rendered valuable assistance to the Kentucky legislative process, and

WHEREAS, the interns themselves have prepared themselves for public service in the interest of the Commonwealth,

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. The legislative interns of the 1974 Regular Session of the General Assembly of the Commonwealth are hereby commended for the outstanding assistance rendered to the legislature.

Section 2. The Clerk of the House of Representatives is directed to send copies of this resolution and certificates of commendation to the legislative interns.

On the roll call the vote was yeas 83-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, King, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBride, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, Wells, J. White, Whitfield, Wible. Nays 0.

HR 97 was adopted by voice vote.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 15** and **HB 249** had been examined and found correctly enrolled. **HB 15** and **HB 249** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 15 and **HB 249** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Motions, Petitions and Communications (continued)

Representative Swinford moved that the rules be suspended for introduction of Floor Amendment No. 1 to **HR 91.** Agreed.

HR 91, A RESOLUTION amending Rule 54 of the Rules of the House of Representatives.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That Rule 54 of the 1974 Rules of the House of Representatives is amended to read as follows:

Rule 54. Calendar; Consent Calendar. (1) In order to reduce the time required for final passage of bills posted in the Orders of the Day, a consent procedure for the consideration of uncontested bills shall be established and designated as follows:

(a) The Clerk shall keep a Regular Calendar and a Consent Calendar for each legislative day showing the bills receiving their second reading.

(b) The Clerk shall also keep a Regular Orders and a Consent Orders showing bills posted for final passage by the Rules Committee.

(2) Bills reported by a Standing Committee with a regular "should pass" or "should pass with committee amendment/substitute attached" recommendation shall be shown in the Regular Calendar on the day on which they are entitled to a second reading.

(3) A Standing Committee may at the time of favorably reporting any House or Senate Bill, recommend that it be placed in the Consent Calendar provided:

(a) The primary sponsor has so requested when it is a House Bill, and

(b) The bill receives a "should pass" or "should pass with committee amendment/substitute attached" recommendation from such committee by a unanimous vote of the members present.

Any House or Senate Bill thus reported shall be first placed in the Consent Calendar on the day on which it is entitled to a second reading and shall continue to be shown in said Calendar until taken therefrom by the Rules Committee and posted in the Consent Orders. Bills receiving a second reading should be so designated to distinguish them from bills which have already received their second reading.

(4) A certificate shall be attached to each bill recommednded for the Consent Calendar showing the request of the sponsor of any House Bill, and the unanimous recommendation of the members present signed by the Chairman.

(5) After a sufficient number of bills have accumulated in the Consent Calendar, the Rules Committee may post any or all of said bills to the Consent Orders for a day certain. On that day certain the Consent Orders shall be called before the Regular Orders.

(6) Upon the call of the Consent Orders each bill in said Orders shall be given a third reading by title only. The Speaker shall then allow a reasonable time for questions from the floor and any explanation necessary by the sponsor or committee chairman. Consent Order bills may not be amended from the floor.

(7) The Clerk shall attach a roll call to each bill in the Consent Calendar and any member may at any time prior to passage of the Consent Orders record with the Clerk his "nay" or "pass" vote on any bill within the Consent Calendar or Consent Orders.

(8) Upon the call for the question on the Consent Orders, the Speaker shall instruct the Clerk to announce the "nay" and "pass" votes previously filed on each bill in the Consent Orders. All other members present in the chamber on the day and at the time the Consent Orders are called shall be considered as having voted "aye" and the roll call attached to each bill shall so reflect as the final vote. The vote on the Consent Orders shall not be taken by use of the Electrical Voting System.

(9) Upon the written petition of any fifteen members objecting to the placement or retention of any bill in the Consent Calendar or Consent Orders, such bill shall cease to be so considered and shall be placed in the Regular Calendar or Regular Orders as provided in these rules.

Representative Swinford moved the adoption of the following Floor Amendment No. 1 to **HR 91:**

Amend printed copy of House Resolution 91 page 3, line 21, by deleting the word "fifteen" and substituting in lieu thereof the word "five"

Representative Hopkins moved that the rules be suspended for introduction of Floor Amendment No. 2 to **HR 91.** Agreed.

Representative Hopkins moved the adoption of Floor Amendment No. 2 to **HR 91.**

On the roll call the vote was yeas 34-Allen, Arnold, Blythe, Chandler, Clarke, Davis, Dawahare, DeMarcus, Denham, Freeman, Gay, Guenthner, Hardin, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hurst, Kafoglis, Lindsay, Mason, Overstreet, Rattliff, Robinson, Shcmaedecke, Schmidt, Stone, Thomas, Van Horn, Vincent, Watkins, G. White, Wible. Nays 52-Bennett, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Burch, Clapp, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Head, Hellard, Hughes, Imes, Isler, Karem, Kenton, King, Kleier, Lewis, Little, Mann, May, Maynard, McBee, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Roberts, Romines, Siemens, Stephens, Stewart, Swinford, Troop, Turner, Whitfield, Yates.

The Floor Amendment No. 2 to **HR 91** was rejected.

Representative Paxton moved that the rules be suspended for introduction of Floor Amendment No. 3 to **HR 91.** Agreed.

Representative Paxton moved the adoption of the following Amendment No. 3 to **HR 91:**

Amend printed copy of House Resolution 91 page 3, line 12, delete line 12 after (8) and lines 13-18 in their entirety

and on line 19 through "Vote".

line 19 delete the word "not" after shall and before "the".

Agreed.

Representative Swinford moved that **HR 91** as amended be placed upon its passage.

On the roll call the vote was yeas 69-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Bowles, Brewer, R. Brown, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hardin, Head, Hellard, Hinkle, Holbrook, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lewis, Little, Louden, Mann, Maynard, McBee, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Roberts, Romines, Sale, Schmaedecke, Sharpe, Siemens, Smith, Stone, Swinford, Thomas, Troop, Turner, Vincent, Watkins, Whitfield, Wible, Yates. Nays 9-Denham, Freeman, Hislope, Lindsay, Mason, Rattliff, Robinson, Schmidt, Van Horn.

HR 91 as amended was passed and the title agreed to.

Senate Message

Announcing passage of **SB 84, SB 109, SB 251, SB 271, HR 8, HR 19, HB 49, HB 73, HB 103, HB 149, HB 151, HB 217** with Amendment, **HB 330** with Amendment, **HB 343, HB 395, HB 444, HB 450, HB 503** with Amendment, **HB 593,** and **HB 662.**

Motions, Petitions and Communications

Representative Hislope moved that each member of the House pledge $10 to restore the tomb of Henry Clay.

On the roll call the vote was yeas 59-Allen, Arnold, Bennett, Beshear, Bowles, Chandler, Clapp, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Kafoglis, Lewis, Little, Louden, Mann, Mason, Maynard, McBride, Morgan, O'Brien, Overstreet, Paxton, Priddy, Quickert, Rattliff, Richardson, Romines, Schmaedecke, Schmidt, Sharpe, Smith, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, G. White. Nays 0.

The motion that each member of the House pledge $10 to restore the tomb of Henry Clay was adopted.

Representative Karem moved the adoption of the following Legislative Citation to No. 127:

The House of Representatives of the Commonwealth of Kentucky hereby commend and congratulate Ralph Eric Paxton on his achievement in winning the 1973 Kentucky Junior PGA Golf Championship for eleven year olds and under. (Sponsored by Representative Karem)

Agreed.

Orders of the Day

Representative Swinford moved that consideration of **HB 397** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 537 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that **HB 537** be placed upon its passage.

Representative DeMarcus moved that **HB 537** be sent to the Committee on Elections and Constitutional Amendments.

Representative Vincent moved that **HB 537** be laid on the table.

On the roll call the vote was yeas 58-Adams, Allen, Arnold, Beshear, Blandford, Blythe, E. Brown, R. Brown, Bruce, Burch, Clapp, Crupper, Davis, DeMarcus, Denham, Foster, Gay, Givhan, Head, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Imes, Kafoglis, Karem, Kenton, Lewis, Lindsay, Little, May, Maynard, Nett, O'Brien, Overstreet, Pearman, Paxton, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Sharpe, Smith, Stewart, Stone, Swinford, Thomas, Troop, Turner, Vincent, Wells, G. White, Whitfield, Wible. Nays 28-Bennett, Benson, Blume, Chandler, Dawahare, Dietz, Donnermeyer, Dunn, Freeman, Graves, Hancock, Hurst, Isler, Kidd, King, Kleier, Mann, Mason, McBride, McGill, Morgan, Priddy, Quickert, Schmaedecke, Schmidt, Stephens, Van Horn, Yates.

HB 537 was laid on the table.

HCR 63 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Dietz moved that **HCR 63** be placed upon its passage.

On the roll call the vote was yeas 82-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Head, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, May, Maynard, McBee, McBride, McGill, Nett, O'Brien, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Whitfield, Wible, Yates. Nays 0.

HCR 63 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HCR 63** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 546 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Paxton moved that **HB 546** be placed upon its passage.

On the roll call the vote was yeas 74-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Bruce, Clapp, Clarke, Crupper, Davis, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hardin, Head, Hellard, Hinkle, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Louden, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Roberts, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stone, Swinford, Thomas, Troop, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 14-Allen, Burch, Dawahare, DeMarcus, Freeman, Hancock, Hislope, Holbrook, Hurst, King, Lindsay, Rattliff, Turner, Van Horn.

HB 546 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 546** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 648** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative Swinford moved that consideration of **HB 605** and **HB 17** be deferred and that they retain their position in Orders of the Day. Agreed.

The Speaker Pro Tempore assumed the Chair.

HB 38 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Siemens moved that **HB 38** be placed upon its passage.

Representative King moved that **HB 38** be laid on the table.

On the roll call the vote was yeas 16-Adams, Crupper, Dawahare, Denham, Foster, Givhan, Hancock, Head, King, Schmaedecke, Schmidt, Stephens, Troop, Turner, G. White, J. White. Nays 61-Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, E. Brown, R. Brown, Chandler, Clapp, Clarke, Davis, DeMarcus, Dietz, Donnermeyer, Dunn, Graves, Hellard, Hinkle, Hughes, Isler, Kafoglis, Karem, Kenton, Kidd, Kleier, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Siemens, Stone, Swinford, Thomas, Van Horn, Vincent, Watkins, Whitfield, Wible, Yates.

The motion that **HB 38** be laid on the table was rejected.

The Speaker resumed the Chair.

On the roll call the vote was yeas 67-Adams, Bennett, Benson, Beshear, Blandford, Blume, Bowles, Brewer, E. Brown, Burch, Chandler, Clapp, Clarke, Davis, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hardin, Hellard, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, Wible, Yates. Nays 19-Allen, Arnold, Blythe, Bruce, Crupper, DeMarcus, Denham, Guenthner, Hancock, Head, Hislope, Holbrook, King, Pearman, Stephens, Stewart, Turner, J. White, Whitfield.

HB 38 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 38** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 92, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Arnold moved the adoption of the Committee Amendment No. 2 to **HB 92.** Agreed.

Representative Arnold moved that **HB 92** as amended be placed upon its passage.

On the roll call the vote was yeas 78-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lindsay, Little, Louden, Mann, Mason, McBee, McBride, McGill, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, G. White, Whitfield, Wible, Yates. Nays 0.

HB 92 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 92** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker Pro Tempore assumed the Chair.

HB 263 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mason moved that **HB 263** be placed upon its passage.

Representative Karem moved the adoption of the following Floor Amendment No. 1 to **HB 263:**

Amend printed copy of House Bill 263 page 4, line 3, after the word tuberculosis remove the (.) and add the following:

"Nor shall any immunization or medical test be required of any child whose parent or guardian objects thereto in writing on the grounds that such immunization or medical test is contrary to his religious teachings and practices."

On the roll call the vote was yeas 39-Allen, Benson, Beshear, Chandler, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Graves, Head, Hellard, Holbrook, Holloway, Hopkins, Imes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lindsay, Mann, McBee, McBride, O'Brien, Overstreet, Pearman, Paxton, Reynolds, Robinson, Schmaedecke, Schmidt, Smith, Thomas, Troop, Van Horn, Vincent. Nays 34-Adams, Arnold, Bennett, Blandford, Brewer, R. Brown, Burch Clapp, Davis, Dunn, Foster, Freeman, Gay, Givhan, Hancock, Hardin, Hinkle, Hughes, Hurst, Little, Mason, Maynard, McGill, Morgan, Quickert, Romines, Sale, Sharpe, Stephens, Stone, Watkins, G. White, Whitfield, Wible.

The Floor Amendment No. 1 to **HB 263** was adopted.

Representative Mason moved that **HB 263** as amended be placed upon its passage.

On the roll call the vote was yeas 81-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Karem, Kenton, Kidd, King, Kleier, Lindsay, Little, Louden, Mann, Mason, Maynard, McBee, McBride, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, G. White, Whitfield, Wible. Nays 0.

HB 263 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 263** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 459, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Schmaedecke moved the adoption of the Committee Substitute for **HB 459.** Agreed.

Representative Schmaedecke moved the adoption of the following Floor Amendment No. 2 to the Committee Substitute for **HB 459:**

Amend printed copy of Committee Substitute for House Bill 459 page 1, line 15, by adding after the word *"class"* the words *"or an urban county government"*

and, on page 4, line 15, by deleting *"$23,800"* and inserting in lieu thereof *"$26,300"*

and, on page 5, line 8, by adding after the word *"class"* the words *"or an urban county government"*

and, on page 5, line 12, by adding after the word *"class"* the words *"or an urban county government"*

and, on page 5, line 19, by adding after the word *"class"* the words *"or an urban county government"*

and, on page 5, line 26, by adding after the word *"class"* the words *"or an urban county government"*

and, on page 9, line 13, by inserting after the word "class" the words *"or an urban county government"*

and, on page 9, line 13, by inserting after the word "court" the words *"or urban county legislative body"*

and, on page 9, line 14, by inserting after the word "county" the words *"or urban county"*

and, on page 11, line 8, by adding after the word "class" the words "or an urban county government"

and, on page 12, line 11, by adding after the word *"class"* the words *"or an urban county government"*

and, on page 12, line 21, by adding after the word *"class"* the words *"or an urban county government"*

and, on page 18, line 12, by adding after the word *"county"* the words *"or urban county"*

and, on page 18, line 23, by deleting the bracket "[" preceding the word "In"

and, on page 18, line 25, by deleting the bracket "]" following "county."

and, on page 23, after line 10, by adding the following:

"Section 25. This Act shall become effective on January 1, 1976."

Agreed.

Representative Schmaedecke moved the adoption of the following Floor Amendment No. 1 to the Committee Substitute for **HB 459:**

Amend printed copy of Committee Substitute for House Bill 459 page 11, lines 18, 19, 20, 21, 22, delete ", except the assistant commonwealth's attorney provided for by subsection (1) of this section shall not engage in the private practice, nor shall he engage in any other business that would conflict with the duties of his office"

and insert in lieu thereof"."

Agreed.

Representative Schmaedecke moved that **HB 459,** by way of Committee Substitute as amended, be placed upon its passage.

On the roll call the vote was yeas 71-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blythe, Brewer, Bruce, Burch, Chandler, Clapp, Davis, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Hardin, Head, Hellard, Hinkle, Hislope, Imes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lewis, Little, Louden, Mann, Mason, May, Maynard, McBee, McBride, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Turner, Watkins, Wells, G. White, Wible, Yates. Nays 7-R. Brown, Holbrook, Hughes, Robinson, Van Horn, Vincent, J. White.

HB 459, by way of Committee Substitute as amended, was passed.

Representative Schmaedecke moved the adoption of the following Title Amendment to **HB 459:**

Amend printed copy of Committee Substitute for House Bill 459 page 1, line Title, by striking the title in its entirety and inserting in lieu thereof the following:

"AN ACT relating to County and Commonwealth's Attorneys."

The Title Amendment to **HB 459** was adopted by voice vote.

Representative Swinford moved that the vote by which **HB 459,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 511 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richardson moved the adoption of the following Floor Amendment No. 1 to **HB 511.**

Amend printed copy of House Bill 511 page 1, add:

Section 2. Unless the commissioner's deed expressly includes a previously severed mineral interest, the presumption of fee simple absolute title shall not include a severed mineral interest.

Agreed.

Representative Richardson moved that **HB 511** as amended be placed upon its passage.

On the roll call the vote was yeas 75-Arnold, Bennett, Benson, Beshear, Blandford, Blythe, Bowles, R. Brown, Bruce, Burch, Chandler, Clapp, Davis, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Hurst, Isler, Kafoglis, Kenton, King, Kleier, Lindsay, Louden, Mann, Mason, Maynard, McBee, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, G. White, J. White, Whitfield, Wible, Yates. Nays 5-Adams, Allen, Dawahare, DeMarcus, Lewis.

HB 511 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 511** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 527** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 557 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Reynolds moved that **HB 557** be placed upon its passage.

On the roll call the vote was yeas 79-Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blythe, Bowles, Brewer, Bruce, Burch, Chandler, Clapp, Clarke, Davis, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Kenton, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, McBee, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 1-Stone.

HB 557 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 557** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 573 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kenton moved the adoption of the following Floor Amendment No. 1 to **HB 573:**

Amend printed copy of House Bill 573 page 1, line 14, by deleting the word *"A"* and by removing the brackets around "No";

and on page 1, lines 14 and 15 by deleting the word *"intrastate"*;

and on page 1, line 15, by deleting the brackets around "any";

and on page 1, line 15, by deleting the words *"anywhere within the state"*; and on page 1, line 16, by deleting the words *"without limitation to"*;

and on page 1, line 16, by deleting the brackets before "beyond" and after "of";

and on page 1, line 17, by inserting after "area" before the period: *"except a transit authority located in an urban county government which may engage in intrastate charter bus service within twenty-five miles from the boundaries of the urban county government."*

Agreed.

Representative Kenton moved that **HB 573** as amended be placed upon its passage.

On the roll call the vote was yeas 78-Allen, Bennett, Benson, Beshear, Blandford, Blythe, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Davis, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Little, Louden, Mann, Mason, May, McBee, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, G. White, J. White, Whitfield, Wible, Yates. Nays 1-Lindsay.

HB 573 as amended was passed and the title agreed to.

Representative Kenton moved that the vote by which **HB 573** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 693** and **HB 697** be deferred and that they retain their position in Orders of the Day. Agreed.

HB 722 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members

elected.

Representative Kenton moved the adoption of the following Floor Amendment No. 1 to **HB 722:**

Amend printed copy of House Bill 722 page 22, line 23, by inserting following line 23, the following:

"Section 15. KRS 84.240 is amended to read as follows:

(1) The city, through its officers and agents, may:

(a) Enter into and examine, at all reasonable times, within the [city and within two (2) miles of the] city limits, any building, premises or vehicle to ascertain its condition as to healthfulness, cleanliness and safety;

(b) Take down and remove any building, wall or superstructure, that is or may become dangerous, or require the owner to remove or put it in a secure and safe condition at his own expense;

(c) Compel the consumption of smoke, and make such regulations as are necessary to prevent it from becoming deleterious and offensive to health.

(2) The city, through its officers and agents, shall provide for the safe construction, inspection and repair of all private and public buildings in the city."

Agreed.

Representative Kenton moved the adoption of the following Floor Amendment No. 2 to **HB 722:**

Amend printed copy of House Bill 722 page 1 after the words "urban land area; and" insert the following:

"WHEREAS, the Federal government presently does not have funds available for the continued assistance to local communities in financing community redevelopment projects, it is imperative to devise and establish an alternative local vehicle for financing a community's necessary revitalization projects; and

and on page 4, line 4, delete "the" and insert in place thereof "a"

and on page 4, line 12, delete lines 12 through 15 and insert in place thereof the following: "(4) "Project area" means any area or specific property designated by an agency or any area or specific property actually acquired or formally proposed for acquisition by an agency, for historical or open space preservation purposes or for the development permitted by this Act;"

and on page 5, line 17, delete "may or" and insert in place thereof "mayor of"

and on page 5, delete lines 23 through 25 and insert in place thereof the following: "(13) "Project" means any undertaking within a project area and any such undertaking which may be included in, and financed by, a single or separate financing agreement or bond issue;"

and on page 5, insert the following: "(14) "Persons and families of lower income" means persons and families who lack the amount of income which is necessary (as determined by standards established by the Agency) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding;"

"(15) "Residential Housing Project" means a specific work or improvement undertaken primarily to provide or to rehabilitate dwelling accommodations for persons and families of lower income, including the acquisition, construction, and rehabilitation of land, buildings and improvements and such other facilities as may be incidental or appurtenant thereto."

and on page 6, line 19, delete the word "community" and insert in place thereof "city"

and on page 6, line 25, delete "the date of their appointment," and insert in place thereof "January 1, 1974"

and on page 7, line 1, delete "commission" and insert in place thereof "in the written document"

and on page 7, line 6, insert the following: "The mayor or his designee shall be an ex-officio non-voting member of the agency."

and on page 7, line 21, after the word "Commissioners," add the following words: "subject to approval, amendment or modification by the governing board."

and on page 9, line 7, add the words "the city" and delete the word "and"

and on page 9, line 19, insert after the word city the words "is authorized"

and on page 10, line 3, delete the words "the following powers in addition to the others granted:" and insert in place thereof the following: "all of the powers necessary and convenient to carry out and effectuate the purposes and provisions of this Act including but without limiting the generality of the foregoing, the following powers in addition to other powers granted herein and by other statutory authority:"

and on page 10, line 11, insert after the word thereof; the following: "subject to approval, amendment or modification by the governing board;"

and on page 11, line 1, insert after the word "therefrom;" the following: "to develop and construct residential housing for persons and families of lower income;"

and on page 11, delete lines 12 through 22 and insert in place thereof the following: "(e) Within the jurisdiction of the city in which it is established, and for the purpose of developing a project area or areas: to make or participate in the making of construction, land development, mortgage and rehabilitation loans and to purchase or participate in the purchase of construction, land development, mortgage and rehabilitation loans for residential housing projects, provided, however, that such loans shall be made only upon the determination by the agency that such loans are not otherwise available, wholly or in part, from private lender upon reasonably equivalent terms and conditions; to insure or reinsure construction, land development, mortgage and rehabilitation loans on residential housing projects provided, however, that any such insurance or reinsurance shall be made only upon the determination by the agency that such insurance or reinsurance is not otherwise available wholly or in part from private insurers upon reasonably equivalent terms and conditions; to make grants from appropriated funds, and any other funds from any source available to the agency, to builders, developers, and owners of residential housing for the development, construction, rehabilitation or maintenance of residential housing and such facilities related thereto as the agency shall deem important for a proper living environment, all on such terms and conditions as may be deemed appropriate by the agency; to sell, at public or private sale, all or any part of any mortgage or other instrument or document securing a construction, land development, or rehabilitation loan for residential housing projects of any type, appropriate to the purpose of the agency; to consent, whenever it deems it necessary or desirable in the fulfillment of its corporate purposes, to the modification of the rate of interest, time of payment of any installment of principal or interest, or any other terms, of any mortgage loan, mortgage loan committment, construction or land development loan, rehabilitation loan, contract or agreement of any kind relating to residential housing projects to which the agency is a party;"

and on page 11, delete lines 23 through 26, and on page 12, delete lines 1 through 3 and insert in place thereof the following: "(f) Within a project area, to cause streets and highways to be laid out and graded, and pavements or other road surfacing, sidewalks, curbs, gutters, storm sewers and public utilities of every kind to be improved, constructed and installed and to close any streets according to the development plan;"

and on page 13, line 11, after the word "plan" insert the following: "except as to the development and construction of residential housing for persons and families of lower income and"

and on page 13, line 14, after the word "inclusive" insert the following: "(l) To make periodic grants to reduce principal and interest payments on mortgages or rentals payable by persons and families of low income;"

and on page 13, at the end of (l) insert the following: "(m) To rehabilitate, acquire, establish and operate, lease and sublease, residential housing for persons and families of lower income and to enter into agreements or other transactions with any federal, state or local government agency for the purpose of

providing adequate living quarters for such persons and families and to contract to assume the rights, powers, duties and obligations of any local housing authority or similar agency of the federal, state, city or urban county governments."

and on page 13, at the end of (m) insert the following: "(n) To borrow from and to accept loans and grants from the federal, state, city or urban county governments or any agency thereof, or from any sources, public or private, for the purposes of this Act, and to pledge such security as may be required; an agency, notwithstanding the provisions of any other law, may include in any contract for financial assistance with the federal, state, city or urban county government any conditions which the federal, state, city or urban county government may attach to its financial aid not inconsistent with the purposes of this Act;"

and on page 14, line 21, insert after KRS 99.410 the following:

"Section 12. A new section of KRS Chapter 99 is created to read as follows:

An agency may create and establish a special revolving loan fund to be known as the Housing Rehabilitation Development Fund and to be administered by the agency as a trust fund separate and distinct from any other moneys or funds administered by the agency.

The Housing Rehabilitation Development Fund shall be comprised of, and the agency is hereby authorized to receive and accept for such fund the proceeds of grants, contributions, appropriations, repayment of loans made from the fund, and the proceeds of bonds and any other monies which may be made available to the agency for the purposes of the fund from any other source.

The purpose of the Housing Rehabilitation Development Fund is to provide a source from which the agency may make loans, and invest in loans, for rehabilitation of residential housing projects, and the agency is authorized to make such loans and to invest in such loans from such fund, at such interest rate or rates as may be determined by the agency to be for the best interest of the agency and best effectuate the purposes of the agency, and with such security for repayment as the agency deems reasonably necessary and practicable. In administering the Housing Rehabilitation Development Fund; the agency may exercise all powers granted in this Act."

and on page 14, line 22, after the word "Section" remove the numeral "12" and insert in place thereof the numeral "13"

and on page 15, line 21, insert the words "shall so state on their face" after the word agency.

and on page 15, line 21, strike the word "and" and insert in place thereof the word "that"

and on page 15, line 21, strike the following language: "shall so state on their face."

and on page 15, line 21, after the word "obligations" insert the word "are"

and on page 16, line 1, insert a comma after the word "nor"

and on page 16, line 2, insert a comma after the word "event"

and on page 21, line 17, after Section delete numeral "13" and in place thereof insert the numeral "14"

and on page 22, line 13, after Section delete numeral "14" and in place thereof insert the numeral "15"

Agreed.

Representative Kenton moved that **HB 722** as amended be placed upon its passage.

On the roll call the vote was yeas 75-Bennett, Benson, Beshear, Blandford, Blythe, Bowles, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Davis, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Troop,

Turner, Van Horn, Watkins, G. White, J. White, Whitfield, Wible, Yates. Nays 4-Allen, DeMarcus, Hurst, Lindsay.

HB 722 as amended was passed and the title agreed to.

Representative Kenton moved that the vote by which **HB 722** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 723 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kenton moved that **HB 723** be placed upon its passage.

On the roll call the vote was yeas 70-Bennett, Benson, Beshear, Blandford, Blythe, Bowles, Brewer, R. Brown, Bruce, Chandler, Clapp, Clarke, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Graves, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Little, Louden, Mann, May, Maynard, McBee, McBride, McGill, Morgan, O'Brien, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stewart, Stone, Swinford, Thomas, Troop, Turner, Vincent, Watkins, G. White, J. White, Whitfield, Wible, Yates. Nays 12-Allen, Davis, Foster, Hancock, Hurst, King, Lindsay, Mason, Pearman, Rattliff, Stephens, Van Horn.

HB 723 was passed and the title agreed to.

Representative Kenton moved that the vote by which **HB 723** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 114 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wible moved the adoption of the following Floor Amendment No. 1 to **SB 114:**

Amend printed copy of Senate Bill 114 on page 12, line 10, by deleting the figure "$7,500.00" and substituting therefor "$6,500.00"

and on page 14, by deleting lines 3 and 4 in their entirety

Agreed.

Representative Benson moved the adoption of the Floor Amendment No. 3 to **SB 114.**

Representative Benson moved that the rules be suspended for the purpose of making technical corrections on Floor Amendment No. 3 to **SB 114.**

Representative Clarke moved that **SB 114** as amended be deferred and that it retain its position in Orders of the Day.

On the roll call the vote was yeas 69-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Hancock, Head, Hellard, Hinkle, Hopkins, Hughes, Hurst, Imes, Isler, Karem, Kidd, King, Kleier, Lewis, Lindsay, Mann, Mason, McBee, McBrayer, McBride, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Swinford, Thomas, Turner, Van Horn, Vincent, G. White, J. White, Wible, Yates. Nays 14-Bowles, Bruce, Guenthner, Hislope, Holbrook, Kafoglis, Kenton, Little, May, Richardson, Roberts, Siemens, Stone, Whitfield.

The motion that action on **SB 114** as amended be deferred and that it retain its position in Orders of the Day was adopted.

HB 136, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative G. White moved the adoption of the Committee Substitute for **HB 136.** Agreed.

Representative G. White moved that **HB 136,** by way of Committee Substitute, be placed upon its passage.

On the roll call the vote was yeas 71-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, Burch, Chandler, Clarke, Davis, Dawahare, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Graves, Guenthner, Hancock, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, Lewis, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Roberts, Robinson, Romines, Schmaedecke, Schmidt, Siemens, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, G. White, Whitfield, Wible, Yates. Nays 2-O'Brien, Overstreet.

HB 136, by way of Committee Sbustitute, was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 136,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 29** and **SB 68** had been examined and found correctly enrolled. **SB 29** and **SB 68** read at length, compared and signed in open session by the Speaker. Order delivered to the Senate.

Orders of the Day (continued)

Representative Swinford moved that consideration of **HB 259,** with Committee Substitute attached thereto, be deferred and that it retain its position in Orders of the Day. Agreed.

HB 361 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Quickert moved that **HB 361** be placed upon its passage.

On the roll call the vote was yeas 71-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Burch, Clarke, Davis, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, Lindsay, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Roberts, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Whitfield, Wible. Nays 2-Allen, Robinson.

HB 361 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 361** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 378, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed and upon its passage. Agreed by a majority of members elected.

Representative Quickert moved the adoption of the Committee Amendment No. 1 to **HB 378.** Agreed.

Representative Quickert moved that **HB 378** as amended be placed upon its passage.

On the roll call the vote was yeas 61-Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Clarke, Davis, Denham, Dietz, Dunn, Freeman, Gay, Givhan, Graves, Hardin, Head, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hurst, Imes, Isler, Karem, Kenton, Kidd, Lewis, Lindsay, Louden, Mason, McBee, McBride, McGill, Morgan, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Romines, Schmaedecke, Schmidt, Sharpe, Stewart, Stone, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, Whitfield, Wible. Nays 16-Adams, Dawahare, DeMarcus, Donnermeyer, Foster, Hancock, Hellard, Hughes, Mann, Maynard, McBrayer, O'Brien, Overstreet, Robinson, Smith, Thomas.

HB 378 as amended was passed and the title agreed to.

Representative Quickert moved that the vote by which **HB 378** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 400, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative G. White moved the adoption of the Committee Amendment No. 1 to **HB 400.** Agreed.

Representative G. White moved that **HB 400** as amended be placed upon its passage.

On the roll call the vote was yeas 64-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blume, Brewer, R. Brown, Burch, Chandler, Clarke, Crupper, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Isler, Kafoglis, Karem, Kenton, Kidd, Louden, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, O'Brien, Overstreet, Paxton, Reynolds, Robinson, Sale, Schmaedecke, Schmidt, Sharpe, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Watkins, Wells, G. White, Wible. Nays 6-Blandford, Davis, Hurst, Lindsay, Pearman, Whitfield.

HB 400 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 400** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 447, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved the adoption of the Committee Amendment No. 1 to **HB 447.** Agreed.

Representative Clarke moved that **HB 447** as amended be placed upon its passage.

ON the roll call the vote was yeas 81-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Burch, Chandler, Clarke, Crupper, Davis, Dawahare, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holloway, Hopkins, Hughes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stewart, Stone, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Wible. Nays 0.

HB 447 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 447** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 492 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Van Horn moved that **HB 492** be placed upon its passage.

On the roll call the vote was yeas 53-Allen, Arnold, Bennett, Benson, Blume, Bowles, Brewer, R. Brown, Crupper, Davis, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Head, Hinkle, Hislope, Hughes, Imes, Isler, Karem, Kenton, King, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBride, O'Brien, Pearman, Paxton, Priddy, Reynolds, Richardson, Roberts, Robinson, Romines, Schmaedecke, Schmidt, Stephens, Swinford, Thomas, Van Horn, Vincent, Watkins, J. White, Yates. Nays 27-Adams, Beshear, Blandford, Blythe, Bruce, Burch, Chandler, Clarke, DeMarcus, Denham, Hancock, Hardin, Holloway, Hopkins, Hurst, Kafoglis, Lewis, Nett, Sale, Sharpe, Stewart, Stone, Troop, Turner, G. White, Whitfield, Wible.

HB 492 was passed and the title agreed to.

Representative Van Horn moved that the vote by which **HB 492** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 495, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative DeMarcus moved the adoption of the Committee Amendment No. 2 to **HB 495.** Agreed.

Representative Paxton moved the adoption of the following Floor Amendment No. 3 to **HB 495:**

Amend printed copy of House Bill 495 page 1, after line 13 add the following words "(4) No funds shall be expended by a candidate or any other person in the candidate's behalf to promote the candidate's nomination prior to 45 days before the primary election day."

and on line 14 strike "(4)" inserting in lieu thereof "(5)"

Representative J. White moved that Floor Amendment No. 3 to **HB 495** be laid on the table.

On the roll call the vote was yeas 22-Bennett, Bruce, Burch, Dawahare, Dunn, Hardin, Head, Hughes, Kidd, Lewis, McBee, McBride, Pearman, Reynolds, Richardson, Romines, Sharpe, Troop, Van Horn, Watkins, J. White, Whitfield. Nays 61-Allen, Arnold, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Chandler, Clapp, Crupper, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Givhan, Graves, Guenthner, Hancock, Hellard, Hislope, Holbrook, Hopkins, Hurst, Imes, Isler, Kafoglis, Kenton, King, Kleier, Lindsay, Little, Louden, Mann, Mason, Maynard, McBrayer, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Robinson, Sale, Schmaedecke, Schmidt, Smith, Stephens, Stone, Swinford, Thomas, Vincent, Wells, G. White, Wible, Yates.

The motion that Floor Amendment No. 3 to **HB 495** be laid on the table was rejected.

On the roll call the vote was yeas 15-Blythe, R. Brown, Chandler, DeMarcus, Foster, Hellard, Hislope, Imes, Lindsay, Mann, McBride, Paxton, Robinson, Sale, Swinford. Nays 64-Adams, Allen, Arnold, Bennett, Beshear, Blandford, Brewer, Bruce, Burch, Clapp, Crupper, Davis, Dawahare, Denham, Dunn, Graves, Guenthner, Hancock, Hardin, Head, Holbrook, Hopkins, Hughes, Hurst, Isler, Kafoglis, Kenton, Kidd, King, Lewis, Little, Louden, Mason, Maynard, McBee, McBrayer, Morgan, Nett, O'Brien, Overstreet, Pearman, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Romines, Schmaedecke, Schmidt, Sharpe, Stephens, Stone, Thomas, Troop, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible, Yates.

The Floor Amendment No. 3 to **HB 495** was rejected.

Representative Donnermeyer moved that **HB 495** as amended be recommitted to the Committee on Elections and Constitutional Amendments.

On the roll call the vote was yeas 48-Arnold, Bennett, Benson, Blandford, Blume, R. Brown, Bruce, Burch, Chandler, Clapp, Crupper, Dietz, Donnermeyer, Dunn, Graves, Head, Hurst, Imes, Isler, Kenton, Kidd, Lewis, Little, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Priddy, Reynolds, Richardson, Roberts, Romines, Stephens, Stewart, Thomas, Troop, Van Horn, J. White, Whitfield, Wible, Yates. Nays 37-Adams, Allen, Beshear, Blythe, Brewer, Davis, DeMarcus, Denham, Freeman, Givhan, Hancock, Hardin, Hellard, Hislope, Holbrook, Holloway, Hopkins, Kafoglis, Karem, King, Kleier, Lindsay, Louden, Overstreet, Paxton, Rattliff, Robinson, Schmaedecke, Schmidt, Sharpe, Smith, Stone, Swinford, Vincent, Watkins, Wells, G. White.

The motion that **HB 495** as amended be recommitted to the Committee on Elections and Constitutional Amendments was adopted.

HB 502, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Priddy moved the adoption of the Committee Substitute for **HB 502.** Agreed.

Representative Priddy moved that **HB 502,** by way of Committee Substitute, be placed upon its passage.

On the roll call the vote was yeas 83-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 1-DeMarcus.

HB 502, by way of Committee Substitute, was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 502,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker vacated the Chair. The Speaker Pro Tempore presiding.

HB 545, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage.

Representative Swinford moved the adoption of the Committee Amendment No. 2 to **HB 545.** Agreed.

Representative Beshear moved the adoption of the following Floor Amendment No. 1 to **HB 545:**

Amend printed copy of House Bill 545, page 10, by inserting after line 6 the following:

"Section 3. A new section of KRS Chapter 132 is created to read as follows:

The provisions of this Act shall apply to urban county governments. In an urban county government, all the rights and obligations conferred on fiscal courts by the provisions of this Act, shall be exercised by the urban county government."

and on page 10, line 7, by deleting "3" following "Section" and inserting in place thereof "4"

Agreed.

Representative Swinford moved that **HB 545** as amended be placed upon its passage.

On the roll call the vote was yeas 63-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Denham, Dietz, Donnermeyer, Dunn, Givhan, Graves, Hancock, Hardin, Hellard, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lewis, Louden, Mann, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Paxton, Priddy, Reynolds, Richardson, Romines, Sale, Schmidt, Sharpe, Smith, Stephens, Swinford, Thomas, Troop, Vincent, Whitfield, Wible, Yates. Nays 17-Allen, DeMarcus, Foster, Guenthner, Hislope, Holbrook, Holloway, Hopkins, Hurst, Lindsay, Mason, Overstreet, Pearman, Robinson, Stone, Van Horn, Watkins.

HB 545 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 545** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

HB 49, HB 73, HB 103, HB 149, HB 151, HB 343, HB 395, HB 444, HB 450, HB 593, HB 662, HR 8, HJR 19 had been examined and found correctly enrolled. **HB 49, HB 73, HB 103, HB 149, HB 151, HB 343, HB 395, HB 444, HB 450, HB 593, HB 662, HR 8,** and **HJR 19** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 49, HB 73, HB 103, HB 149, HB 151, HB 343, HB 395, HB 444, HB 450, HB 593, HB 662, HR 8, and **HJR 19** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (continued)

Representative Swinford moved that consideration of the remaining Bills and Resolutions in Orders of the Day be deferred and that they retain their position. Agreed.

Announcements

The following meetings were announced for March 14, 1974:

Committee on Appropriations and Revenue, 9:00 A. M., Room 307.

Committee on Health and Welfare, 11:45 A. M., Room 307.

Committee on Education, 12:30 P. M.

Committee on Business Organizations and Professions, 11:00 A. M., Court Room.

Committee on State Government, 10:00 A. M., Room 305A.

Representative Swinford moved that the rules be suspended for Introduction of Resolutions, Report of Committees, Calendar, and Posting of Bills and Resolutions for Consideration. Agreed.

Introduction of Resolutions

HR 101, by Representatives Hellard and Benson: A RESOLUTION directing the Legislative Research Commission to study the area of shield legislation protecting confidential relationships between newsmen and their sources.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Appropriations and Revenue: **HB 664.**

Highways and Traffic Safety: **HR 96.**

Business Organizations and Professions: **SB 166.**

State Government: **SB 108, SB 205.**

Judiciary: **SB 189, SB 200, SB 228, SB 256, SB 277, HR 84.**

Banking and Insurance: **SB 64.**

Judiciary: **HB 432.**

Report of Committees

The Committee on State Government reported **HB 574, HB 813, HB 826, SB 44, SB 56, SB 58, SB 60, SB 181, SB 249, SB 257,** and **SB 263** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

HB 574, AN ACT relating to motor vehicle mufflers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 189.140 is amended to read as follows:

(1) Every motor vehicle with an internal-combustion, steam or air motor shall be equipped with a suitable and efficient muffler. No person while on a highway shall operate a motor vehicle with the muffler cut out or removed. No cutout shall be so arranged or connected as to permit its operation or control by the driver of any motor vehicle while in position for driving.

(2) No person shall modify the exhaust system of a motor vehicle or an off highway vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle. The original muffler shall comply with all of the noise requirements of KRS Chapter 224 and regulations promulgated pursuant thereto. No person shall operate a motor vehicle with an exhaust system so modified.

HB 813, AN ACT creating a citizens Legislative Compensation Commission.

WHEREAS, improvement of the legislative branch of state government cannot be achieved without a compensation level for members of the General Assembly that will attract and retain the quality of legislators who can bring about the necessary improvements; and

WHEREAS, the need for salary adjustments in Kentucky is generated by the rising cost of living as reflected in the consumer price index, the additional or increased statutory responsibilities, duties and work load imposed upon such office holders; and

WHEREAS, a Legislative Compensation Commission composed not of public officials but of citizen-taxpayers, to accomplish on a continuing basis the establishment of adequate salaries and compensation in light of present realities would serve this purpose;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 6 is created to read as follows:

There is hereby established an independent commission to be known as the "Citizens Legislative Compensation Commission", hereafter referred to as the "commission", consisting of five (5) members, one of whom shall be appointed by the Lieutenant Governor, two (2) of whom shall be appointed by the President

Pro Tem of the Senate, and two (2) of whom shall be appointed by the Speaker of the House of Representatives. They shall be private citizens who have been residents of Kentucky for at least ten (10) years prior to appointment. Such members shall not be eligible for election or appointment to public office during the continuance of their terms. The terms of the persons first appointed shall be for the three (3) calendar years 1974, 1975, and 1976. Commencing in 1977 and every four (4) years thereafter such appointments shall be made for a term of four (4) calendar years beginning with the year in which the appointment is made. A vacancy on the commission shall be filled for the unexpired term in the same manner as the original appointment was made.

Section 2. A new section of KRS Chapter 6 is created to read as follows:

The commission shall adopt rules for the conduct of its business, and elect one of its members chairman. Members of the commission shall be paid at the rate of twenty-five dollars ($25) per diem while engaged upon the work of the commission. The commission may retain an Executive Director and such clerical staff as it may require.

Section 3. A new section of KRS Chapter 6 is created to read as follows:

The commission may require the Legislative Research Commission and other state officers or agencies to furnish to the commission such information as they may have available as the commission may deem necessary to carry out its duties.

Section 4. A new section of KRS Chapter 6 is created to read as follows:

The commission shall make an exhaustive study of the retirement benefits, per diem, mileage, travel, emoluments, and other allowances and reimbursements of the members of the General Assembly and its staff.

Section 5. A new section of KRS Chapter 6 is created to read as follows:

The commission shall file its report with the Legislative Research Commission. The report shall establish salaries, emoluments, retirement benefits, per diem, travel, and other expense allowances. The commission's initial report shall be filed on or before the commencement of the 1976 session of the General Assembly. Subsequent reports shall be filed prior to the beginning of each regular session of the General Assembly. The initial report, and reports filed thereafter, shall become effective on the forty-sixth (46th) calendar day following the commencement of the legislative session. Reports filed pursuant hereto shall have the effect of law, and shall supersede any statutory provisions for payments to members of the General Assembly. The General Assembly may, by concurrent resolution, within forty-five (45) calendar days following the commencement of a legislative session, reject a report in whole or in part. The General Assembly may enact legislation, within forty-five (45) days of the beginning of a regular session, which establishes a rate of pay differing from that recommended by the commission report. That portion of the commission report which is not inconsistent with the resolution or act so adopted by the General Assembly shall have the force and effect of law, as herein provided.

Section 6. A new section of KRS Chapter 6 is created to read as follows:

The reports filed by the commission shall be promulgated, published, and distributed by the Legislative Research Commission in the manner provided by KRS 13.096.

HB 826, AN ACT relating to state holidays.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 2.110 is amended to read as follows:

(1) The 1st day of January (New Year's Day), the 19th day of January (Robert E. Lee Day), the 30th day of January (Franklin D. Roosevelt Day), the 12th day of February (Lincoln's Birthday), the third Monday in February (Washington's Birthday), the last Monday in May (Memorial Day), the 3rd day of June (Confederate Memorial Day, and Jefferson Davis Day), the 4th day of July (Independence Day), the first Monday in September (Labor Day), the second Monday in October (Columbus Day), the fourth Monday in October (Veterans Day), *the 22nd day of November (John F. Kennedy Day),* the 25th day of December (Christmas Day) of each year, and all days appointed by the President of the United States or by the governor as days of thanksgiving, are holidays, on which all the public offices of this commonwealth may be closed; and, subject to the provisions of subsection (2) of this section, shall be considered as Sunday for all purposes regarding the presenting for payment or acceptance, and of protesting for and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, placed by law upon the footing of bills of exchange. If any of the days named as holidays occur on Sunday, the next day thereafter shall be observed as a holiday but bills of exchange or other papers may be presented for payment or acceptance on the Saturday preceding the holiday and proceeded on accordingly.

(2) Any bank, trust company, or combined bank and trust company, may, at its option, either close or remain open for business on the 19th day of January (Robert E. Lee Day), the 30th day of January (Franklin D. Roosevelt Day), the 12th day of February (Lincoln's Birthday), the third Monday in February (Washington's Birthday), the 3rd day of June (Confederate Memorial Day, and Jefferson Davis Day), the second Monday in October (Columbus Day), [and] the fourth Monday in October (Veterans Day), *and the 22nd day of November (John F. Kennedy Day).* Any bank, trust company, or combined bank and trust company electing to remain open on such of the above mentioned holidays may do so and as to such bank, trust company, or combined bank and trust company such day or days shall not constitute a holiday within the meaning of the provisions of the negotiable instrument law or any other law of the commonwealth and such bank, trust company, or combined bank and trust company shall incur no liability by reason of remaining open on such holiday, provided that any bank, trust company, or any combined bank and trust company, electing to remain open on any of the above mentioned holidays which occurs on a Monday, Tuesday, Wednesday, Thursday or Friday shall remain closed the following Saturday, or shall comply with KRS 287.197. If any such bank, trust company, or combined bank and trust company elects to close on such holidays, any act authorized, required or permitted to be performed at or by such bank, trust company, or combined bank and trust company, may be performed on the next succeeding business day and no liability or loss of rights of any kind shall result from remaining closed notwithstanding the provisions of any law of this commonwealth to the contrary. The provisions of this section shall not operate to invalidate or prohibit the doing on any of the aforementioned legal holidays of any act by any person or bank or trust company, or combined bank and trust company, and nothing in this section shall, in any manner whatsoever affect the validity of or render void or voidable the payment, certification or acceptance of a check or any other negotiable instrument or any other transaction by any person or bank or trust company or combined bank and trust company because done or performed during any of the aforesaid holidays, notwithstanding the provisions of any other law of this commonwealth to the contrary.

(3) No person shall be compelled to labor on the first Monday in September (Labor Day) by any person.

SB 44, AN ACT relating to legislative ethics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 6.605 is amended to read as follows:

As used in KRS 6.610 to 6.700, unless the context requires otherwise:

(1) "Board" means the Board of Ethics;

(2) "Compensation" means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or another;

(3) "Economic opportunity" means any purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services wherein a legislator may gain an economic benefit. The term shall not include gifts;

(4) "Legislative interest" means a substantial economic interest, distinct from that of the general public, in one or more legislative matters;

(5) "Legislative matter" means any bill, resolution, nomination, or other issue or proposal pending before the General Assembly or any committee, subcommittee, or commission thereof;

(6) "Legislator" means a member [or member-elect] of the General Assembly;

(7) "Lobbying" means promoting or opposing in any manner the passage by the General Assembly of any legislative matter affecting the interests of any individual, association or corporation as distinct from those people of the Commonwealth as a whole;

(8) "Lobbyist" means any person employed as a legislative agent or legislative counsel to promote, oppose or act with reference to any legislation which affects or may affect private pecuniary interests, as distinct from those of the whole people;

(9) "Person with whom the legislator maintains a close economic association" means a person associated with the legislator in a partnership, association or professional service corporation, whether as partner, officer, employe, associate, or otherwise; and

(10) "State agency" means any department, office, commission, board or authority within the executive department, and includes state-supported universities and colleges;[.]

(11) "Conduct which is unbecoming to a legislator or which constitutes a breach of public trust" means a violation of any code of legislative ethics which the General Assembly may adopt.

Section 2. KRS 6.625 is amended to read as follows:

A legislator may accept contributions from private sources for use in defraying the expenses necessarily related to the adequate performance of his legislative duties, but any legislator accepting such contributions shall file, at such times, in such manner, and in such detail, as the board may prescribe, a written statement with the board describing the amount of such contributions and the uses to which they are put. [Such statements may be retained in confidence by the board.]

Section 3. KRS 6.640 is amended to read as follows:

No legislator may charge to or accept from a person known to have a legislative interest [in] a price, fee, compensation or other consideration for the sale or lease of any property or the furnishing of services which is substantially in excess of that which the legislator would charge in the ordinary course of business.

Section 4. KRS 6.655 is amended to read as follows:

Suspected violations of KRS *6.610 to 6.625*, 6.630, 6.635, 6.640, 6.645, or 6.650 shall be inquired into by the board, under the provisions of KRS 6.700. However, disciplinary action against any person found in violation shall be administered only by the house of the General Assembly of which the person is a member and in accordance with Section 39 of the Constitution.

Section 5. KRS 6.700 is amended to read as follows:

The board shall perform the following functions, powers, and duties:

(1) To recommend legislation relating to legislative ethics and other matters included in KRS 6.605 to 6.700;

(2) To provide a continuing program of education, assistance, and information to legislators with regard to legislative ethics;

(3) To make such rules and regulations for its own functioning and exercise such powers as may be appropriate for the discharge of its duties and responsibilities of KRS 6.605 to 6.700;

(4) To, upon the request of any legislator, or whenever in the board's judgment the public interest requires, render advisory opinions on questions arising under KRS 6.610 to 6.650, 6.660 and 6.665, and other ethical issues affecting legislators. Such advisory opinions, with such deletions and changes as may be necessary to protect the identity of the person seeking such an opinion, shall be published by the board periodically;

(5) To conduct investigations into possible violations of KRS *6.610 to 6.625*, 6.630 to 6.650, 6.675 and 6.680, and other statutory and constitutional provisions related to legislative ethical behavior whenever in the board's judgment the public interest requires it.[and in response to a signed complaint filed with the board.] An individual claiming that a violation of legislative ethics has occurred *shall* [may] file with the chairman of the board a written sworn statement that an unlawful practice has been committed and set forth facts upon which the complaint is based. The board shall decide within thirty days after receipt of the complaint whether the complaint warrants a full investigation. Such investigations shall begin only after authorization by a majority of members of the board;

(6) When the conduct of a particular person is under inquiry pursuant to subsection (5) of this section, and the board decides to hold a hearing thereon, the board shall afford that person a notice of charges and the opportunity to present evidence, cross-examine witnesses and be represented by counsel at that hearing. The board may designate a subcommittee of the board to conduct such hearings;

(7) Because hearings conducted by the board pursuant to subsection (6) of this section may, in some cases, involve alleged misconduct by particular persons, the board may, in its discretion, hold hearings in closed session. However, any person who has received a notice of hearing under this subsection may require that the hearing be public;

(8) The board or any member thereof may issue subpoenas to compel the attendance of witnesses or the production of documents, books or other records. The board may seek the aid of any circuit court to compel obedience to such a subpoena. Notwithstanding any other provision of law, every state agency, local governmental agency, and units and subdivisions thereof shall furnish to the board any documents, records, data, statements, or information which the board designates as being necessary for the exercise of its functions and duties;

(9) All information received by the board in the course of its investigations other than that disclosed at public hearing is confidential and may not be divulged except to the extent that the board finds there is good cause for releasing it; and

(10) The board may publish written reports of such inquiries and of its findings and conclusions therefrom. In an appropriate case the board may also send the results of its investigation to the Attorney General or to any other appropriate law enforcement officer. However, if the board finds no violation, it shall, unless requested to make public its findings by the person involved in the inquiry, retain such findings in confidence.

(11) The board may recommend for adoption by the General Assembly a code of legislative ethics for its members.

Section 6. KRS 6.665 is repealed.

SB 56, AN ACT relating to regional development.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 147 is created to read as follows:

The Southern Growth Policies Agreement is hereby enacted into law and entered into by this state, in the form substantially as follows:

Article I. Findings and Purposes

(1) The party states find that the South has a sense of community based on common social, cultural and economic needs and fostered by a regional tradition. There are vast potentialities for mutual improvement of each state in the region by cooperative planning for the development, conservation and efficient utilization of human and natural resources in a geographic area large enough to afford a high degree of flexibility in identifying and taking maximum advantage of opportunities for healthy and beneficial growth. The independence of each state and the special needs of subregions are recognized and are to be safeguarded. Accordingly, the cooperation resulting from this Agreement is intended to assist the states in meeting their own problems by enhancing their abilities to recognize and analyze regional opportunities and take account of regional influences in planning and implementing their public policies.

(2) The purposes of this Agreement are to provide:

(a) Improved facilities and procedures for study, analysis and planning of governmental policies, programs and activities of regional significance.

(b) Assistance in the prevention of interstate conflicts and the promotion of regional cooperation.

(c) Mechanisms for the coordination of state and local interests on a regional basis.

(d) An agency to assist the states in accomplishing the foregoing.

Article II. The Board

(1) There is hereby created the Southern Growth Policies Board, hereinafter called "the Board."

(2) The Board shall consist of five members from each party state, as follows:

(a) The Governor.

(b) Two members of the State Legislature, one appointed by the presiding officer of each house of the Legislature or in such other manner as the Legislature may provide.

(c) Two residents of the state who shall be appointed by the Governor to serve at his pleasure.

(3) In making appoitments pursuant to paragraph (2) (c), a Governor shall, to the greatest extent practicable, select persons who, along with the other members serving pursuant to paragraph (2), will make the state's representation on the Board broadly representative of the several socio-economic elements within his state.

(4) A Governor may be represented by an alternate with power to act in his place and stead, if notice of the designation of such alternate is given to the Board in such manner as its Bylaws may provide.

(5) A legislative member of the Board may be represented by an alternate with power to act in his place and stead, unless the laws of his state prohibit such representation and if notice of the designation of such alternate is given to the Board in such manner as its By laws may provide. An alternate for a legislative member of the Board shall be selected by the member from among the members of the legislative house in which he serves.

(6) A member of the Board serving pursuant to paragraph (2) (c) of this Article may be represented by another resident of his state who may participate in his place and stead, except that he shall not vote: provided that notice of the identity and designation of the representative selected by the member is given to the Board in such manner as its Bylaws may provide.

Article III. Powers.

(1) The Board shall prepare and keep current a Statement of Regional Objectives, including recommended approaches to regional problems. The Statement may also identify projects deemed by the Board to be of regional significance. The Statement shall be available in its initial form two years from the effective date of this Agreement and shall be amended or revised no less frequently than once every six years. The Statement shall be in such detail as the Board may prescribe. Amendments, revisions, supplements or evaluations may be transmitted at any time. An annual Commentary on the Statement shall be submitted at a regular time to be determined by the Board.

(2) In addition to powers conferred on the Board elsewhere in this Agreement, the Board shall have the power to make or commission studies, investigations and recommendations with respect to:

(a) The planning and programming of projects of interstate or regional significance.

(b) Planning and scheduling of governmental services and programs which would be of assistance to the orderly growth and prosperity of the region, and to the well-being of its population.

(c) Effective utilization of such federal assistance as may be available on a regional basis or as may have an interstate or regional impact.

(d) Measures for influencing population distribution, land use, development of new communities and redevelopment of existing ones.

(e) Transportation patterns and systems of interstate and regional significance.

(f) Improved utilization of human and natural resources for the advancement of the region as a whole.

(g) Any other matters of a planning, data collection or informational character that the Board may determine to be of value to the party states.

Article IV. Avoidance of Duplication.

(1) To avoid duplication of effort and in the interest of economy, the Board shall make use of existing studies, surveys, plans and data and other materials in the possession of the governmental agencies of the party states and their respective subdivisions or in the possession of other interstate agencies. Each such agency, within available appropriations and if not expressly prevented or limited by law, is hereby authorized to make such materials available to the Board and to otherwise assist it in the performance of its functions. At the request of the Board, each such agency is further authorized to provide information regarding plans and programs affecting the region, or any subarea thereof, so that the Board may have available to it current information with respect thereto.

(2) The Board shall use qualified public and private agencies to make investigations and conduct research, but if it is unable to secure the undertaking of such investigations or original research by a qualified public or private agency, it shall have the power to make its own investigations and conduct its own research. The board may make contracts with any public or private agencies or private persons or entities for the undertaking of such investigations or original research within its purview.

(3) In general, the policy of paragraph (2) of this Article shall apply to the activities of the Board relating to its Statement of Regional Objectives, but nothing herein shall be construed to require the Board to rely on the services of other persons or agencies in developing the Statement of Regional Objectives, or any amendment, supplement or revision thereof.

Article V. Advisory Committees.

The Board shall establish a Local Governments Advisory Committee. In addition, the Board may establish advisory committees representative of subregions of the South, civic and community interests, industry, agriculture, labor or other categories or any combinations thereof. Unless the laws of a party state contain a contrary requirement, any public official of the party state or a subdivision thereof may serve on an advisory committee established pursuant hereto and such service may be considered as a duty of his regular office or employment.

Article VI. Internal Management of the Board.

(1) The members of the Board shall be entitled to one vote each. No action of the Board shall be binding unless taken at a meeting at which the majority of the total number of votes on the Board are cast in favor thereof. Action of the Board shall be only at a meeting at which a majority of the members or their alternates are present. The Board shall meet at least once a year. In its Bylaws, and subject to such directions and limitations as may be contained therein, the Board may delegate the exercise of any of its powers relating to internal administration and management to an Executive Committee or the Executive Director. In no event shall any such delegation include a final approval of:

(a) A budget or appropriation request.

(b) The Statement of Regional Objectives or any amendment, supplement or revision thereof.

(c) Official comments on or recommendations with respect to projects of interstate or regional significance.

(d) The annual report.

(2) To assist in the expeditious conduct of its business when the full Board is not meeting, the Board shall elect an Executive Committee of not to exceed seventeen members, including at least one member from each party state. The Executive Committee, subject to the provisions of this Agreement and consistent with the policies of the Board, shall be constituted and function as provided in the By laws of the Board. One-half of the membership of the Executive Committee shall consist of Governors, and the remainder shall consist of other members of the Board, except that at any time when there is an odd number of members on the Executive Committee, the number of Governors shall be one less than half of the total membership. The members of the Executive Committee shall serve for terms of two years, except that members elected to the first Executive Committee shall be elected as follows: one less than half of the membership for two years and the remainder for one year. The Chairman, Chairman-Elect, Vice Chairman and treasurer of the Board shall be members of the Executive Committee and anything in this paragraph to the contrary notwithstanding shall serve during their continuance in these offices. Vacancies in the Executive Committee shall not affect its authority to act, but the Board at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term.

(3) The Board shall have a seal.

(4) The Board shall elect, from among its members, a Chairman, a Chairman-Elect, a Vice Chairman and a Treasurer. Elections shall be annual. The Chairman-Elect shall succeed to the office of Chairman for the year following his service as Chairman-Elect. For purposes of the election and service of officers of the Board, the year shall be deemed to commence at the conclusion of the annual meeting of the Board, and terminate at the conclusion of the next annual meeting thereof. The Board shall provide for the appointment of an Executive Firector. Such Executive Director shall serve at the pleasure of the Board, and together with the Treasurer and such other personnel as the Board may deem appropriate shall be bonded in such amounts as the Board shall determine. The Executive Director shall be Secretary.

(5) The Executive Director, subject to the policy set forth in this Agreement and any applicable directions given by the Board, may make contracts on behalf of the Board.

(6) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the Executive Director, subject to the approval of the Board, shall appoint, remove or discharge such personnel as may be necessary for the peformance of the functions of the Board, and shall fix the duties and compensation of such personnel. The Board in its Bylaws shall provide for the personnel policies and programs of the Board.

(7) The Board may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

(8) The Board may accept for any of its purposes and functions under this Agreement any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm association, foundation, or corporation, any may receive, utilize and dispose of the same. Any donation or grant accepted by the Board pursuant to this paragraph or services borrowed pursuant to paragraph (7) of this Article shall be reported in the annual report of the Board. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

(9) The Board may establish and maintain such facilities as may be necessary for the transacting of its business. The Board may acquire, hold, and convey real and personal property and any interest therein.

(10) The Board shall adopt Bylaws for the conduct of its business and shall have the power to amend and rescind these Bylaws. The Board shall publish its Bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

(11) The Board annually shall make to the Governor and Legislature of each party state a report covering the activities of the Board for the preceding year. The Board at any time may make such additional reports and transmit such studies as it may deem desirable.

(12) The Board may do any other or additional things appropriate to implement powers conferred upon it by this Agreement.

Article VII. Finance.

(1) The Board shall advise the Governor or designated officer or officers of each party state of its budget of estimated expenditures for such period as may be required by the laws of that party state. Each of the Board's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

(2) The total amount of appropriation requests under any budget shall be apportioned among the party states. Such apportionment shall be in accordance with the following formula:

(a) One-third in equal shares,

(b) One-third in the proportion that the population of a party state bears to the population of all party states, and

(c) One-third in the proportion that the per capita income in a party state bears to the per capita income in all party states.

In implementing this formula, the Board shall employ the most recent authoritative sources of information and shall specify the sources used.

(3) The Board shall not pledge the credit of any party state. The Board may meet any of its obligations in whole or in part with funds available to it pursuant to Article VI (8) of this Agreement, provided that the Board takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the Board makes use of funds available to it pursuant to Article VI (8), or borrows pursuant to this paragraph, the Board shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same. The Board may borrow against anticipated revenues for terms not to exceed two years, but in any such event the credit pledged shall be that of the Board and not of a party state.

(4) The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be subject to the audit and accounting procedures established by its Bylaws. However, all receipts and disbursements of funds handled by the Board shall be audited yearly by a certified

or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Board.

(5) The accounts of the Board shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the Board.

(6) Nothing contained herein shall be construed to prevent Board compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Board.

Article VIII. Cooperation With the Federal Government and Other Governmental Entities.

Each party state is hereby authorized to participate in cooperative or joint planning undertakings with the Federal Government, and any appropriate agency or agencies thereof, or with any interstate agency or agencies. Such participation shall be at the instance of the Governor or in such manner as state law may provide or authorize. The Board may facilitate the work of state representatives in any joint interstate or cooperative federal-state undertaking authorized by this Article, and each such state shall keep the Board advised of its activities in respect of such undertakings, to the extent that they have interstate or regional significance.

Article IX. Subregional Activities.

The Board may undertake studies or investigations centering on the problems of one or more selected subareas within the region; provided that in its judgment, such studies or investigations will have value as demonstrations for similar or other areas within the region. If a study or investigation that would be of primary benefit to a given state, unit of local government, or intrastate or interstate area is proposed, and if the Board finds that it is not justified in undertaking the work for its regional value as a demonstration, the Board may undertake the study or investigation as a special project. In any such event, it shall be a condition precedent that satisfactory financing and personnel arrangements be concluded to assure that the party or parties benefited bear all costs which the Board determines that it would be inequitable for it to assume. Prior to undertaking any study or investigation pursuant to this Article as a special project, the Board shall make reasonable efforts to secure the undertaking of the work by another responsible public or private entity in accordance with the policy set for in Article IV (2).

Article X. Comprehensive Land Use Planning.

If any two or more contiguous party states desire to prepare a single or consolidated comprehensive land use plan, or a land use plan for any interstate area lying partly within each such state, the Governors of the states involved may designate the Board as their joint agency for the purpose. The Board Shall accept such designation and carry out such responsibility: provided that the states involved make arrangements satisfactory to the Board to reimburse it or otherwise provide the resources with which the land use plan is to be prepared. Nothing contained in this Article shall be construed to deny the availability for use in the preparation of any such plan of data and information already in the possession of the Board or to require payment on account of the use thereof in addition to payments otherwise required to be made pursuant to other provisions of this Agreement.

Article XI. Compacts and Agencies Unaffected.

Nothing in this Agreement shall be construed to:

(1) Affect the powers of jurisdiction of any agency of a party state or any subdivision thereof.

(2) Affect the rights or obligations of any governmental units, agencies or officials, or of any private persons or entities conferred or imposed by any interstate or interstate-federal compacts to which any one or more states participating herein are parties.

(3) Impinge on the jurisdiction of any existing interstate-federal mechanism for regional planning or development.

Article XII. Eligible Parties; Entry Into and Withdrawal.

(1) This Agreement shall have as eligible parties the states of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia.

(2) Any eligible state may enter into this Agreement and it shall become binding thereon when it has adopted the same: provided that in order to enter into initial effect, adoption by at least five states shall be required.

(3) Adoption of the Agreement may be either by enactment thereof or by adherence thereto by the Governor; provided that in the absence of enactment, adherence by the Governor shall be sufficient to make his state a party only until December 31, 1973. During any period when a state is participating in this Agreement through gubernatorial action, the Governor may provide to the Board an equitable share of the financial support of the Board from any source available to him. Nothing in this paragraph shall be construed to require a Governor to take action contrary to the constitution or laws of his state.

(4) Except for a withdrawal effective on December 31, 1973, in accordance with paragraph (3) of this Article, any party state may withdraw from this Agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing state has given notice in writing of the withdrawal to the Governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

Article XIII. Construction and Severability.

This Agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Agreement shall be severable and if any phrase, clause, sentence or provision of this Agreement is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Agreement shall be held contrary to the constitution of any state participating therein, the Agreement shall remain in full force and effect as to the state affected as to all severable matters.

SB 58, AN ACT relating to payment of subsidies to adoptive parents.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 199.555 is amended to read as follows:

(1) For the purpose of this section, "hard-to-place children" means those children for whom adoptive homes are difficult to find because of a physical handicap, a mental condition, or the age of the child.

(2) If the *Secretary of the Department for Human Resources* [Commissioner of the Department of Child Welfare] or his designated representative finds that a child may benefit from being adopted and that the payment of a subsidy to adoptive parents after the adoption will increase the likelihood of such adoption, then funds may be paid to the adoptive parents after completion of the adoption of such child if the following conditions exist:

(a) The child is committed to the Department *for Human Resources* [of Child Welfare] and the department has authority to consent to the child's adoption;

(b) The adoptive parents can give suitable care to the child if a subsidy is paid;

[(c) The adoptive parents have been receiving funds from the department as foster parents of the child to be adopted.]

(3) The payments shall be out of funds appropriated to the department and shall be in accordance with regulations promulgated by the *secretary* [commissioner]. Such payments shall not exceed the amount which would be paid for foster care for the child, and may include payment for extraordinary medical care.

(4) The department shall establish criteria to be followed for the adoption of children under provisions of this section and shall promulgate the criteria by administrative regulations.

SB 60, AN ACT relating to public assistance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 205.010 is amended to read as follows:

As used in this chapter unless the context requires otherwise:

(1) "Department" means the Department of Economic Security;

(2) "Commissioner" means the Commissioner of Economic Security or his authorized representative;

(3) "Bureau" means the Bureau of Public Assistance in the Department of Economic Security;

(4) "Public Assistance" means money grants, assistance in kind or services to or for the benefit of needy aged, needy blind, needy permanently and totally disabled persons, needy children or persons with whom a needy child lives or a family containing a combination of these categories;

(5) "Needy child" means a child who has been deprived of parental support by reasons prescribed by regulations within the scope of Title IV of the Social Security Act, its amendments and federal regulations and who does not have otherwise provided for him a subsistence compatible with decency and health;

(6) "Parent", in addition to natural or adoptive parent, shall include stepparent;

(7) "Needy aged" means a person who has attained the age of sixty-five and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and

health;

(8) "Needy blind" means a person who has no vision or whose vision is so defective as to prevent the performance of ordinary activities for which eyesight is essential and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

(9) "Person with whom a needy child lives" means the individual prescribed by regulation, with whom such child is living in a place of residence maintained by such individual by himself or together with one or more other persons;

(10) "Needy permanently and totally disabled" means a person eighteen years of age or older and who has a permanent physical or mental impairment, disease or loss that substantially precludes him from engaging in useful occupations within his competence and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

(11) "Private institution" means any establishment or place other than a public institution operated or maintained by any individual, association, corporation or other organization which provides a group living arrangement for four or more individuals, who are cared for and maintained in residence for compensation or otherwise;

(12) "Public institution" means any establishment or place which is the responsibility of and administered by the state or any political subdivision thereof providing a group living arrangement in which one or more individuals are cared for and maintained in residence;

(13) "Public medical institution" means any public institution the primary purpose of which is to furnish hospital care and medical treatment;

(14) "Person determined to be potentially responsible" means any person who:

(a) Is not aged, blind, disabled, incapacitated, or needed in the home.

1. Because of the illness or incapacity of a member of the family, or

2. Because of children in the home under the age of six, or

(b) Volunteers for such determination[.];

(15) As used in this Act, unless the context otherwise requires:

(a) "Community work experience program" shall mean a program to provide work experience and training for recipients of public assistance who are not otherwise able to obtain employment or who are not actively participating in training or education programs;

(b) "Designated geographic area" shall mean one county or a portion of one county selected by the commissioner as the site of a community work experience program; and

(c) "Recipient" shall mean a person who currently receives benefits from public assistance.

Section 2. A new section of KRS Chapter 205 is created to read as follows:

(1) The commissioner may develop community work experience programs for recipients in designated geographic areas in the Commonwealth through contracts with any public entity or nonprofit agency or organization and through applicable federal programs including, but not limited to the demonstration projects authorized by Title XI, Section 1115 of the Federal Social Security Act.

(2) The community work experience programs enabled by subsection (1) of this section shall provide for the development of the employability of recipients through actual work experience and training. The programs shall be designed to enable recipients employed under community work experience programs to move promptly into regular public or private employment or into training or public service employment programs.

(3) Community work experience programs shall be confined to projects which serve a useful public purpose such as in the fields of health, social science, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facilities, and public safety. To the extent possible, the prior training, experience and skills of a recipient shall be utilized in making appropriate work experience assignments.

(4) The commissioner shall adopt, amend, or rescind such rules and regulations as deemed necessary or suitable for the proper administration of this Act.

Section 3. A new section of KRS Chapter 205 is created to read as follows:

(1) The commissioner shall designate the procedures for inclusion of recipients within community work experience programs, including the designated geographic area within which such programs shall be established.

(2) To the extent permitted by federal law, recipients referred by the department to a community work experience program shall, as a condition of receiving public assistance, participate in such program, except where good cause exists for failure to accept and continue to participate.

(3) To the extent permitted by federal law, benefits shall be terminated to a recipient, who without good cause refuses to participate in a community work experience program; Provided, however, that benefits for the support of the child or children of such recipient shall not be reduced or terminated as a result of such refusal to participate. Any recipient who refuses without good cause to participate shall not be considered a needy relative or caretaker of a recipient child and until the former participant demonstrates willingness to

participate shall not be entitled to receive or use any part of public assistance benefits except services designed to help motivate the former recipient to participate in the community work experience program.

(4) No recipient who is under 17 years of age, or who is the mother of a child six years of age or under in the home, or who is otherwise employed or actively participating in training programs, education programs, or public service employment programs, or is incapacitated, shall be required to participate in community work experience programs. No mother of a child over six years of age in the home shall be required to participate in such community work experience programs unless suitable child care is available.

Section 4. A new section of KRS Chapter 205 is created to read as follows:

(1) A community work experience program as established under this Act shall provide:

(a) Appropriate standards for health, safety, and other conditions applicable to the performance of work, including workmen's compensation insurance;

(b) That the program does not result in displacement of persons currently employed, or the filling of established unfilled position vacancies;

(c) That the program does not apply to jobs covered by a collective bargaining agreement;

(d) Reasonable conditions of work including taking into account the geographic region, the residence of the recipient, and the proficiency of the recipient; and

(e) That recipients will not be required, without their consent, to travel an unreasonable distance from their homes or remain away from their homes overnight.

(2) Participants in community work experience programs shall not be required to:

(a) Work in excess of 80 hours in any calendar month, nor

(b) Work in excess of eight hours during any calendar day in order to provide time to seek regular employment; Provided, however, that in no case shall any recipient be required to participate in a community work experience program for a period of time which would result in a total number of hours per month, which, if compared to the amount of the public assistance grant, in relation to the state or federal minimum wage, whichever is higher, would result in a ratio that would be less than such minimum wage. Nothing in this section shall be construed as requiring or permitting the payment of a public assistance grant in exchange, or as compensation, for work performed.

(3) Participation in a community work experience program shall not result in any cost to a recipient. The department shall make provisions for transportation and all other costs reasonably necessary to and directly related to a recipient's participation in the program.

Section 5. A new section of KRS Chapter 205 is created to read as follows:

(1) No recipient shall be required to participate in a community work experience program if:

(a) The position offered is vacant due directly to a strike, lockout, or other labor dispute;

(b) As a condition of accepting the work or continuing in the work, the recipient would be required to join a company union or to resign from or refrain from joining any bona fide labor organization; or

(c) Acceptance would be an unreasonable act because of hardship imposed on the recipient or his family due to illness, physical or mental disability, or remoteness of his residence from the place of employment.

Section 6. A new section of KRS Chapter 205 is created to read as follows:

(1) The commissioner shall submit a written report to the General Assembly during each regular session thereof and shall upon written request, submit a written report to or appear in person before any Joint Interim Committee of the General Assembly within 30 days of such request, the following information:

(a) The number of recipients placed in a community work experience program;

(b) The number of recipients placed from such program into regular full-time employment; and

(c) The costs to the Commonwealth and participating local agencies or organizations of the implementation of such program.

Section 7. A new section of KRS Chapter 205 is created to read as follows:

Insofar as federal law permits, a recipient of food stamp allotments shall be required to participate under the same terms and conditions as recipients of public assistance in the work experience programs created by this Act.

SB 181, AN ACT relating to state planning.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 147.080 is amended to read as follows:

The *department of transportation* [governor's cabinet] shall prepare and submit to the general assembly for adoption plans for a system of state highways and parkways, together with regulations essential to the

promotion of an appropriate, orderly and coordinated development of lands adjacent to those highways and parkways. The plans and regulations shall be designed to promote health, safety and the general welfare; to facilitate the movement of through traffic; to accommodate local traffic, cross traffic and traffic to and from abutting frontages; to establish front yard or setback lines along abutting frontages; to regulate the location of filling stations, garages, lunch stands, outdoor advertising signs and other uses of property along the adjacent frontages; to regulate the subdivision of land adjacent to those highways and parkways; and to conserve scenic and historic places and the natural beauty of the countryside. The plans and regulations may be adjusted to the varying conditions throughout the state and to the character of existing official plans and regulations in force in any county or city. Before approving the plans and regulations for submission to the general assembly the *department of transportation* [governor's cabinet] shall hold public hearings thereon. The plans and regulations when approved by the general assembly shall be known as the official state highway plan. *The Department of Transportation and the Executive Department for Finance and Administration shall cooperate for the purposes of this section and coordinate transportation requirements related to new state capital construction projects planned.*

Section 2. KRS 147.110 is amended to read as follows:

Department heads and cabinet secretaries

[The governor's cabinet] may accept [and use] any funds provided by the United States government or any agency thereof for the purposes defined in KRS 147.070 to 147.100. *The State Planning Committee may allocate funds appropriated to the State Planning Fund to agencies for the purpose of matching federal funds which may be available for planning purposes.* [The funds shall be expended as agreed upon between the cabinet and the United States government or agency.]

SB 249, AN ACT relating to the changing of names of governmental agencies and units in the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

The Reviser of Statutes shall, wherever possible, unless otherwise clearly indicated in the context, change the names of presently existing departments, agencies and other subdivisions of state government to conform with the names of departments, agencies and other subdivisions of state government as created by Senate Bill 112, 1974 Regular Session of the General Assembly. This same provision shall apply to all laws enacted by the 1974 Regular Session of the General Assembly in order that the names of departments, agencies and other subdivisions of state government shall conform to the provisions of Senate Bill 112.

SB 257, AN ACT relating to meritorious good time for inmates of Kentucky state penal institutions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 197.045 is amended to read as follows:

(1) Any person convicted and sentenced to a state penal institution may receive a credit on his sentence of not exceeding ten (10) days for each month served, *except as outlined in subsection (3) of this section,* to be determined by the *bureau* [department of corrections] from the conduct of the prisoner. The *bureau* [department] shall have the authority to forfeit any good time previously earned by the prisoner, or to deny the prisoner the right to earn good time in any amount, if during the term of imprisonment a prisoner commits any offense or violates the rules of the institution.

(2) When two (2) or more consecutive sentences are to be served, the several sentences shall be merged and served in the aggregate for the purposes of the good time credit computation or in computing dates of expiration of sentence.

(3) An inmate may, at the discretion of the commissioner, be allowed a deduction from a sentence not to exceed five (5) days per month for performing exceptionally meritorious service or performing duties of outstanding importance in connection with institutional operations and programs. Such an allowance shall be an addition to commutation of time for good conduct and under the same terms and conditions and without regard to length of sentence.

SB 263, AN ACT relating to commuter air service.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 183.011 is amended to read as follows:

(1) "Aeronautics" means the science and art of flight and including, but not limited to transportation by aircraft; the operation, construction, repair or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair or maintenance of airports or other air navigation facilities; and instruction in flying or ground subjects pertaining thereto;

(2) "Aircraft" means any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air;

(3) "Air navigation" means the operation or navigation of aircraft in the air space over this state, or upon any airport within this state;

(4) "Air navigation facility" means any facility other than one owned or controlled by the United States, used in, available for use in, or designed for use in, aid of air navigation, including airports, rights, interests or easements in the navigable air space and any structures, mechanisms, lights, beacons, markers, communicating systems, or other instruments or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities;

(5) "Airport" means any area, of land or water, which is designed for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport building or other airport facilities, and all appurtenant rights of way, whether theretofore or hereinafter established;

(6) "Airport board", "airboard" or "board" means a board established as provided in this chapter and any airport board or airboard created pursuant to the provisions of KRS chapter 183 as it existed prior to the enactment of chapter 179, acts of the general assembly, regular session 1960, shall be deemed to have been established pursuant to this chapter with all of the powers, functions and duties as herein prescribed.

(7) "Airport facilities" includes land, buildings, equipment, runways and other improvements and appurtenances necessary for the establishment and maintenance of airports;

(8) "Airport hazard" means any structure, object or natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking off at any airport or is otherwise hazardous to such landing or taking off;

(9) "Approach zone" means that area extending from the end of an airport runway in an inclined plane and increasing in elevation at a given ratio of horizontal to vertical feet, and which area may be more particularly identified and described by reference to the technical standard orders of the federal aviation agency;

(10) "Certificate" means a certificate issued by the department;

(11) "Civil aircraft" means any aircraft other than a public aircraft;

(12) "Charter operator" means all persons who transport or seek to transport persons or property in intrastate commerce for hire on unscheduled service and not between fixed points;

(13) "Common carrier" shall include all carriers for hire or compensation by air who operate, or seek to operate, over fixed routes or between fixed termini within the commonwealth of Kentucky;

(14) "Commuter air carrier" means a common carrier of persons or property in intrastate commerce for hire or compensation by air, holding a certificate of public convenience and necessity under KRS 183.530 to 183.620, operating under Federal Aviation Regulation (FAR) Part 135 or other appropriate parts or regulations and who operates or seeks to operate on regular schedules with multi-engine aircraft between two or more fixed airport termini or over fixed routes only with the Commonwealth of Kentucky and publishes flight schedules which specify the times, days of week, and places between which such flights are performed.

(15)[(14)] "Development" and "airport development" mean:

(a) Any work involved in planning, designing, constructing, improving or repairing a public airport or portion thereof, including the construction, alteration and repair of airport buildings and the removal, lowering, relocation and marking and lighting of airport hazards; and

(b) Any acquisition of land, or any interest therein, or of any easement through or other interest in air space which is necessary to permit any such work or to remove, mitigate, prevent or limit the establishment of airport hazards and expenses incident to the carrying out the provisions of this chapter;

(16)[(15)] "Navigable air space" means air space above the minimum altitudes of flight prescribed by the regulations of the federal aviation agency or department consistent therewith, and includes the air space necessary for normal landing or take off of aircraft;

(17)[(16)] "Operation of aircraft" or "operate aircraft" means the use, navigation or piloting of aircraft in the air space over this state, or upon any airport within this state. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control as owner, lessee, or otherwise of the aircraft, shall be deemed to be engaged in the operation of aircraft within the meaning of the statutes of this state;

(18)[(17)] "Overhead line" means any cable, pipeline, wire or similar substance of any kind or description;

(19)[(18)] "Permit" means a permit issued by the department;

(20)[(19)] "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of the state, territory or possession of the United States, or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes;

(21)[(20)] "Public airport" means any airport which is used or to be used for public purposes under the control of a public agency, the landing area of which is publicly owned;

(22)[(21)] "Public use airport" means any airport in the state airport plan open for use by the general public not including a private airport used primarily for the benefit of the owner;

(23)[(22)] "State airport plan" means the plan of the department for the development of public and certain private airports for the benefit of the people of this state;

(24)[(23)] "State airway" means a route in the navigable air space over the lands or waters of this state, designated by the department as a route suitable for air navigation;

(25)[(24)] "Structure" means any object constructed or installed by man, including, but not limited to, buildings, towers, smokestacks, and overhead transmission lines;

(26)[(25)] "Tree" includes objects of natural growth.

Section 2. KRS 183.012 is amended to read as follows:

(1) "City" means any incorporated city;

(2) As used in this chapter, "governmental unit" means any city, or the combination of any two (2) or more thereof, or any county, *urban-county government,* or combination of two (2) or more such counties, city or cities, acting jointly with any county or counties or an airboard or board established as provided in this chapter;

(3) As used in this chapter, "ordinance," in the case of a county, means resolution of the county legislative body, and in the case of an airport board or airboard means a resolution or regulation of the board.

(4) "State" or "this state" means the commonwealth of Kentucky;

(5) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

Section 3. A new section of KRS Chapter 183 is created to read as follows:

(1) The Department of Transportation is authorized to establish in cooperation with airport boards, established pursuant to KRS 183.132 to 183.139, a pilot demonstration air service project for the purpose of developing air services on a regularly scheduled basis for the movement of passengers, mail and cargo by a commuter air carrier between five or more airport termini in the commonwealth of Kentucky, in the public interest of convenience and necessity for air transportation.

(2) The Department of Transportation may reimburse any airport board for direct financial aid, or benefits and services in lieu thereof, which the airport board has expended for the development of commuter air carrier services that provide regularly scheduled passenger, mail and cargo service or any combination thereof to the airport terminus operated by the airport board.

(3) Any airport board established pursuant to KRS 183.132 through 183.138 is authorized to provide direct financial aid, or benefits and services in lieu thereof, to commuter air carriers that provide regularly scheduled passenger, mail, and cargo service or any combination thereof to their community.

Section 4. A new section of KRS Chapter 183 is created to read as follows:

Within the limits of the appropriation made to the Department , the Department may by agreement provide reimbursement to airport boards, for a period not to exceed twenty-four months, to reimburse them for direct financial aid, or benefits and services in lieu thereof, which the airport boards have expended, in accordance with this Act for the development of commuter air services that have provided their communities with regularly scheduled passenger, mail and cargo service or any combination thereof.

Section 5. A new section of KRS Chapter 183 is created to read as follows:

The Department of Transportation is authorized to make application for any available federal funds for operating subsidies, either on a matching basis or otherwise and to make such funds as are received available to airport boards in order to accomplish the purposes of this Act, or where federal laws or regulations preclude the Department of Transportation from direct application for such funds the Department is authorized to provide assistance to local airport boards as necessary to enable them to make application for and obtain such federal funds, in order to accomplish the purposes of this Act.

The Committee on Cities reported **HB 800** with Committee Amendment attached thereto, **HB 823** with Committee Amendment attached thereto, **SB 46, SB 203,** and **SB 226** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

HB 800, AN ACT relating to urban county governments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 67A is created to read as follows:
(1) Urban county governments may enact and enforce within their territorial limits such tax, licensing, police, sanitary and other ordinances not in conflict with the constitution and general statutes of this state now or hereafter enacted, as they shall deem requisite for the health, education, safety, welfare and convenience of the inhabitants of the county and for the effective administration of the urban county government.
(2) Ordinances of urban county governments may be made applicable to all or specified portions of the territory within the boundaries of the urban county; provided that ordinances applicable to less than the entire territory of the urban county shall not become effective unless enacted following a public hearing conducted by the chief legislative body of the urban county government. The urban county government shall fix the time and place of the hearing which shall be advertised pursuant to KRS Chapter 424.
(3) Urban county government ordinances shall be deemed to conflict with general statutes of this state only:
(a) When the ordinance authorizes that which is expressly prohibited by a general statute; or
(b) When there is a comprehensive scheme of legislation on the same subject embodied in a general statute and enforced by the state, and such general statute:
(i) Expressly provides that it has occupied the entire field of such legislation; or
(ii) Expressly prohibits other or further regulation of the field of such legislation.

The Committee Amendment to **HB 800** is as follows:

Amend printed copy of House Bill 800 page 1, line 11, by deleting section (2) and by making section (3) become section (2)

HB 823, AN ACT relating to city managers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 89.560 is amended to read as follows:
(1) The board of commissioners shall select and employ a city manager. He shall be selected solely on the basis of his executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or state. He shall be employed for an indefinite period, in cities of the first, second and fourth classes, or for a period not exceeding four (4) years in cities of the third class. He shall receive notwithstanding the provisions of KRS 64.480 to 64.760, as an employe such compensation as may be determined by the board of commissioners. During the absence or disability of the city manager, the board of commissioners shall designate some properly qualified person to perform the duties of the city manager.
(2) In cities of the first [and second] class the city manager shall be removable at will without cause by a majority of the board of commissioners.
(3) In cities of the *second,* third and fourth classes the city manager shall be removable at will by the board of commissioners, but removal shall not be effected by a reduction in his compensation. If removed *for incompetency, inefficiency, neglect of duty, or misconduct in office* at any time after having served for six (6) months he may in writing demand written charges and a public hearing before the board of commissioners prior to the date on which his final removal shall take effect, but during the hearing the board of commissioners may suspend him from office. The public hearing shall be fixed by the board of commissioners not to exceed thirty (30) days after demand therefor. *If removed there shall be the right of*

appeal in the manner provided by KRS 95.460.

The Committee Amendment to **HB 823** is as follows:

Amend printed copy of House Bill 823 by adding to the title after "manager" before the period the words "and Chief Administrative Officer"

and on page 1, line 4, by inserting after "manager" before the period the words *"or Chief Administrative Officer"*

and on page 1, line 14, by inserting after "manager" before the comma the words *"or Chief Administrative Officer"*

and on page 2, line 1, by inserting after manager *"or Chief Administrative Officer may for incompetency, neglect of duty, or misconduct in office be removed"*

page 2, line 1, by inserting a bracket before shall and after will.

page 2, line 3, after the word removed strike the word *"for"*

page 2, line 4, strike entire line.

page 2, line 5, strike at the beginning of the line the following: *"duct in office"*

SB 46, AN ACT relating to the allocation of municipal aid funds among incorporated cities and unincorporated urban places.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 177.366 is amended to read as follows:

(1) On and after July 1, 1973, the *bureau* [department] of highways shall allocate to each incorporated city and "unincorporated urban place" its pro rata share of the funds set apart for construction, reconstruction, and maintenance of urban roads and streets on the basis of the ratio which the population in said incorporated cities and in "unincorporated urban places" bears to the total population in incorporated cities and in "unincorporated urban places" of the state. "Unincorporated urban places" as used here means an area outside of incorporated cities which area has a population of 2,500 or more as shown by the most recent decennial census of the United States Bureau of the Census, and all populations shall be determined by the most recent decennial census of the United States.

(2) Any area which becomes incorporated after December 31, 1970, shall not be eligible to participate in the municipal aid program until the beginning of the second fiscal year following its incorporation and population certification. It shall be the responsibility of the newly incorporated area to provide the bureau of highways with documentation from the United States bureau of census showing the population of the newly incorporated area as it existed at the time of the last decennial census.

(3) In the event the newly incorporated area cannot obtain a population count from the bureau of census, it shall not be eligible to participate in the municipal aid program until the next decennial census.

(4) If an incorporated city, whose incorporation took place prior to December 31, 1970, annexes additional area, the population of the annexed area will not be counted in the allocation of municipal aid funds until the beginning of the second fiscal year following annexation and population certification.

(5) It shall be the responsibility of the incorporated city to provide the bureau of highways with documentation from the United State bureau of census showing the population for the annexed area as it existed at the time of the last decennial census.

(6) In the event the incorporated area cannot obtain a population count from the bureau of census, the annexed area's population will not be eligible to be counted in the distribution of the municipal aid fund. However, the streets included in the annexed areas will be eligible to receive work through this program.

(7) [2] Apportionments as required by the provisions of this section shall be made on the basis of revenue estimates supplied by the department of revenue and shall be adjusted quarterly in accordance with the most recent revision of the estimates by the department of revenue.

SB 203, AN ACT relating to mass transit authorities

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 96A.170 is amended to read as follows:

(1) An authority created and established under this chapter, together with its ownership, financing, operation, rates and charges for use of its services and facilities, rules and regulations, routes, schedules and quality of service within its transit area shall be exempt from all jurisdiction of the Department of [motor] Transportation of the Commonwealth, provided, however, that no new service may be instituted *within or outside of the authority's transit area* in competition with an existing certificated bus company without an application to and a grant of authority from the Department of [motor] Transportation as provided by KRS Chapter 281, *provided further that nothing in this Section shall deny the Department of Transportation the authority to render such advise and assistance, including financial aid, engineering, planning and technical assistance, as it deems advisable, to enable an authority as created under this Chapter to acquire, construct, expand, maintain, and operate a mass transit system as defined in this Chapter and to establish regulations to promote local transit authorities.*

(2) No transit authority may engage in any charter bus service beyond the territorial limits of its transit area.

Section 2. A new section of KRS Chapter 96A is created to read as follows:

(1) The Department of Transportation is authorized and empowered to receive and accept from the Commonwealth or any of its agencies and from federal agencies appropriations or grants to accomplish the promotion and development of mass transit services in Kentucky, and to receive and accept aid or contributions from any source of either money, property, labor, or other things of value to promote mass transit services. Subject to the provisions of Section 230 of the Constitution of the Commonwealth of Kentucky, any such funds, property, or things of value received by the Department of Transportation may be given directly to a local transit authority as created under Chapter 96A or to a city or a county, in order to accomplish the purposes of this section.

(2) The Department of Transportation is authorized and directed to apply for any available federal funds for operating subsidies, either on a matching basis or otherwise and to make any said funds received available to transit authorities created under this chapter or to a city or a county in order to accomplish the purposes of this section, or in such cases where federal laws or regulations preclude the Department of Transportation from direct application for such federal funds the Department is authorized and directed to provide assistance to local transit authorities or a city or a county as necessary to enable it to apply for and obtain such federal funds, in order to accomplish the purposes of this section.

(3) The Department of Transportation is authorized to assist cities and counties in the formation of local transit authorities in conformance with this Chapter, but nothing in this Chapter shall be construed as preventing the Department of Transportation from providing such assistance as authorized in this Chapter to cities or counties where local transit authorities do not exist.

Section 3. KRS 281.605 is amended to read as follows:

The provisions of this chapter shall not apply, except as to safety regulations, to:

(1) Motor vehicles used as school buses and while engaged in the transportation of students, under the supervision and control and at the direction of school authorities;

(2) Motor vehicles, regardless of ownership, used exclusively:

(a) For the transportation of agricultural and dairy products, including fruit, livestock, meats, fertilizer, wood, lumber, cotton, products of grove or orchard, poultry and eggs, while owned by the producer of the products, including landlord where the relation of landlord and tenant or landlord and cropper is involved, from the farm to a market, warehouse, dairy or mill, or from one market, warehouse, dairy or mill to another market, warehouse, dairy or mill;

(b) For the transportation of agricultural and dairy products, livestock, farm machinery, feed, fertilizer, and other materials and supplies essential to farm operation, from market or shipping terminal to farm;

(c) For both the purposes described in paragraphs (a) and (b) of this subsection; or

(d) For the transportation of agricultural and dairy products from farm to regularly organized fairs and exhibits and return;

(3) Motor vehicles used exclusively as church buses and while operated in the transportation of persons to and from a church or place of worship and for other religious work under the supervision and control and at the direction of church authorities;

(4) Motor vehicles used exclusively for the transportation of property belonging to a nonprofit cooperative association or its members where the vehicle is owned or leased exclusively by the association;

(5) Motor vehicles owned in whole or in part by any person and used by such person to transport petroleum products and those incidental supplies used or sold in connection with the wholesale or retail sale or such petroleum products of which petroleum products or incidental supplies, such person is the owner, lessee, consignee, or bailee; provided, however, that such transportation is for the purpose of sale, lease, rent, or bailment, and is an incidental adjunct to an established private business owned and operated by such person in the furtherance of any commercial enterprise other than the business of transportation of property for hire;

(6) Motor vehicles used in pick-up or delivery service within a city or within a city and its commercial area for a carrier by rail;

(7) Motor vehicles used exclusively for the transportation of coal from the point at which such coal is mined to a railhead or tipple where the railhead or tipple is located at a point not more than fifty (50) air miles from the point at which the coal is mined;

(8) Motor vehicles used as ambulances in transporting wounded, injured, or sick persons or animals.

(9) Motor vehicles used by transit authorities as created and defined in KRS Chapter 96A except as required by KRS 96A.170.

Section 4. KRS 96A.010 is amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following words or terms shall mean as follows:

(1) "City" means any incorporated city in the commonwealth;

(2) "County" means any county in the commonwealth wherein there is located an incorporated city *and for the purpose of this chapter shall also mean a county which has adopted an urban county government*;

(3) "State" means the commonwealth;

(4) "Transit authority" or "authority" means a transit authority created pursuant to this chapter;

(5) "Board" means the board of a transit authority;

(6) "Public body" means any city or county of the commonwealth;

(7) "Governing body" means, as to a county, the fiscal court thereof; and as to a city, the legislative body thereof, howsoever the same may be denominated according to law;

(8) "Proceedings" means, in the case of a county, a resolution of its fiscal court; and in the case of a city, an ordinance adopted and made effective according to law by its governing body;

(9) "Joint proceedings" relates only to the establishment of a transit authority by two (2) or more public bodies acting in concert or by agreement, and means the proceedings, taken collectively, by the governing bodies of the public bodies, participating in the creation and establishment of a transit authority;

(10) "Appointing authority" means, as to a county, the county judge thereof; and as to any city, the elected chief officer thereof; whether designated as its mayor or the chairman of its board of trustees or otherwise;

(11) "Area" or "transit area" means the geographical area which may be encompassed from time to time within the lawful boundaries of such cities and counties as may be involved in the creation and establishment of an authority; and of any cities or counties within any single unified metropolitan area which may subsequently become participants as provided in this chapter.

(12) "Mass transit," or "mass transportation," means the local transportation of persons and their baggage within a transit area, but shall not include charter bus operations beyond the authority's transit area, the for-hire operation of a taxicab, airport limousine, or industrial bus as defined by KRS chapter 281.

SB 226, AN ACT relating to motor carriers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 281 is created to read as follows:

(1) In the event all units of city and county governments in any county are merged into an urban county form of government pursuant to the provisions of KRS Chapter 67A, the department will continue to recognize the corporate limits of each unit of city government as fixed and established immediately prior to the effective date of the merger, and the population of each unit of city government as determined by the last Federal census prior to the merger for the purposes of KRS Chapter 281.

(2) If the urban county is divided into service districts with one such district embracing the total area of the corporate boundaries of any city, as fixed and established upon the effective date of the merger, and the boundaries of said service district are thereafter expanded by the governing body of the urban county, then the department will recognize the boundaries of said service district as the corporate limits of the city for the purposes of KRS Chapter 281.

(3) Any certificate which may be issued authorizing service within, to or from a city and its suburban and/or commercial area, may be issued to authorize service to, from or within the former corporate limits of any city after merger.

Section 2. KRS 281.012 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Suburban area" means territory wholly within the state of Kentucky which extends not more than two (2) air miles beyond the corporate limits of any municipality *except an urban county* and one (1) mile additional for each fifty thousand (50,000) population or major fraction thereof, and, where one or more municipalities are contiguous or adjoining, the combined population of such contiguous or adjoining municipalities shall be considered in determining the suburban area of each such contiguous or adjoining municipality. *Where all units of city and county government have been merged to form an urban county government, "suburban area" means territory which extends not more than two air miles beyond the corporate limits of any such unit of city government as fixed and established immediately prior to the effective date of the merger and one additional mile for each fifty thousand population or major fraction thereof of said city as determined by the last federal census prior to the effective date of the merger. Where one or more units of city government were contiguous or adjoining prior to merger, their combined population as determined by the last federal census prior to the effective date of merger shall be considered in determining the suburban area of each such city.* [; provided, however, the] *The* department may, from time to time, upon a showing as hereinafter provided, authorize and permit the holder of a suburban bus certificate to extend its operations beyond the territorial limits of any such city or cities for a distance not to exceed ten (10) air miles, if said department finds:

(a) That the territory proposed to be served adjoins or is contiguous to said city; and

(b) That the territory proposed to be served has such density of population and that the physical, business, economic and social interest is such as to make it an integral part of the city as to which it adjoins or is contiguous and that it would be in the public interest and to the benefit of persons residing in said territory that they be served by the holder of a suburban bus certificate;

(c) Where the territory proposed to be served is within the boundaries of an urban county the department will not consider the merger as a factor in determining whether such area is an integral part of the city to which it adjoins or is contiguous.

(2) "Commercial area" means territory wholly within the commonwealth which extends not more than two (2) air miles beyond the corporate limits of any municipality and one (1) mile additional for each fifty thousand (50,000) population or major fraction thereof, and, where one or more municipalities are contiguous or adjoining, the combined population of such contiguous or adjoining municipalities shall be considered in determining the commercial area of each such contiguous or adjoining municipality. *Where all units of city and county government have been merged to form an urban county government, "commercial area" means territory which extends not more than two air miles beyond the corporate limits of any such unit of city government as fixed and established immediately prior to the effective date of the merger and one additional mile for each fifty thousand population or major fraction thereof of said city as determined by the last federal census prior to the effective date of the merger. Where one or more units of city government were contiguous or adjoining prior to merger, their combined population as determined by the last federal census prior to the effective date of merger shall be considered in determining the commercial area of each such city.* [; provided, however, the] *The* department may, from time to time, upon a showing, as hereinafter provided, authorize and permit the holder of a certificate authorizing the transportation of property to extend its operations beyond the territorial limits of any such city or cities for a distance not to exceed ten (10) air miles, if said department finds:

(a) That the territory proposed to be served adjoins or is contiguous to said city; and

(b) That the territory proposed to be served has such density of population and that the physical, business, economic and social interest is such as to make it an integral part of the city to which it adjoins or is contiguous and that it would be in the public interest and to the benefit of persons residing in said territory that they be served by the holder of a certificate authorizing the transportation of property.

(c) Where the territory proposed to be served is within the boundaries of an urban county the department will not consider the merger as a factor in determining whether such area is an integral part of the city to which it adjoins or is contiguous.

Section 3. KRS 281.760 is amended to read as follows:

Every carrier operating under a certificate or permit issued by the Department of [Motor] Transportation shall observe traffic rules and regulations of each city *and each urban county* while operating therein.

The Committee on Counties and Special Districts reported **HB 848, SB 214, SB 168,** and **SB 215** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

HB 848, AN ACT relating to annexation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 81 is created to read as follows:
(1) Notwithstanding any provisions of the Kentucky Revised Statutes to the contrary, whenever the jury finds, upon a hearing, that more than seventy-five percent of the freeholders of the territory to be annexed have remonstrated, the question of annexation shall be submitted to the voters of the territory to be annexed at the next regular election and annexation shall not take place unless a majority of the votes cast are in favor of annexation.
(2) The provisions of this Act do not apply to annexation by cities of the first class nor to annexation by an urban county government.

SB 214, AN ACT relating to commonwealth's attorneys.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 64.515 is amended to read as follows:
Each commonwealth's attorney of the state shall be paid out of the state treasury, each month, the sum of five hundred dollars ($500), which sum is hereby declared to be the equivalent of the minimum sum that each commonwealth's attorney will expend each month, in the performance of his official duties[, for postage, telephone service, supplies, stationery, books and periodicals, and such other items of expense as he deems necessary]. The expenses herein provided for shall be paid out of the revolving fund created by KRS 142.030. The sums so received shall be expended by each commonwealth's attorney in his discretion[, the manner in which the same shall be applied in payment or reimbursement of such expenses being determined by such officer].
Section 2. This Act shall become effective July 1, 1974.

SB 168, AN ACT relating to county judges' expense allowance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 25.330 is amended to read as follows:
(1) The commissioner of finance shall determine the amount that is present in the fund on the last days of the months of September, December, March and June. Payments shall be made quarterly to county judges in an amount determined as provided in this section.
(2) Except as provided in the second sentence of subsection (3) of this section, the maximum expense allowance is $600 per quarter year.
(3) If the money present in the fund on the day mentioned in subsection (1) of this section divided by 120 equals an amount less than $600 then that lesser amount shall be paid. If the money present in the fund on the day mentioned in subsection (1) of this section divided by 120 equals an amount as much as or more than $600, then $600 shall be paid, except that if, firstly, the amount is more than $600, and, secondly, if the total amount previously paid to each judge during the fiscal year is less than $600 times the number of previous payments, then the payment shall be in an amount not larger than is necessary to make the total amount paid during the fiscal year equal to $600 times the number of payments.
(4) In no case shall a county judge receive from the fund more than $2400 in one (1) fiscal year. *County judges shall not be required to keep records verifying the expenditures of amounts received from this fund.*
Section 2. This Act shall become effective July 1, 1974.

SB 215, AN ACT relating to sheriffs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 70.170 is amended to read as follows:

(1) Each sheriff performing the duties required under the provisions of KRS 70.150 and 70.160 shall be allowed the amount of $2100 annually payable out of the state treasury at the rate of $175 per month for such services. The first such monthly payment shall be for the month of July, 1966, and the check therefor shall be forwarded to the sheriff concerned on or about the last working day of that month and each month thereafter.

(2) The allowance authorized in subsection (1) of this section shall be considered as operating expenses of the sheriff's office and shall not be considered as part of his compensation. *Sheriffs shall not be required to keep records verifying the expenditures from the allowance provided by the state.*

Section 2. This Act shall become effective July 1, 1974.

The Committee on Appropriations and Revenue reported **SB 280,** with Committee Amendment attached thereto, **HB 584, SB 30, SB 210, SB 179, SB 182, SB 219, SB 223, SB 255,** and **SB 281** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 280, AN ACT relating to the common schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS Chapter 157A is hereby established and a new section thereof is created to read as follows:

(1) It is the intention of the General Assembly in enacting this legislation to guarantee to each pupil in the common schools of this state the opportunity to avail himself of those programs and services appropriate to his educational needs, regardless of geographical differences and varying economic conditions. This Act is intended to provide for an efficient system of common schools throughout the state and an equitable distribution of school funds among the common school districts in accordance with the mandates of Sections 183 and 186, respectively, of the Kentucky Constitution.

(2) It is the intention of the General Assembly in enacting this legislation to authorize a local board of education to operate a public kindergarten in the common schools.

Section 2. A new section of KRS Chapter 157A is created to read as follows:

Upon the recommendation of the Superintendent of Public Instruction, the State Board of Education shall adopt regulations defining and prescribing the criteria for kindergartens in the public common schools and the eligibility requirements of pupils to attend these classes.

Section 3. A new section of KRS Chapter 157A is created to read as follows:

As used in KRS Chapter 157A, unless the context otherwise requires:

(1) "Add on weights" means those weights for exceptional children described in subsection (2) of Section 6 of this Act and for vocational education in subsection (3) of Section 6 of this Act which are added to basic program weights described in subsection (1) of Section 6 of this Act.

(2) "Adjusted pupil units" means the number of units obtained from multiplying pupil units by rank and experience factor by total pupil units of a district.

(3) "Average daily attendance" means the aggregate days attended by pupils in a public common school, divided by the number of days the school was in session.

(4) "Average daily membership" means the aggregate days of membership of pupils in a public common school divided by the number of days the school was in session.

(5) "Board" means the board of education of any county or independent school district.

(6) "District" means any public common school district district as defined by law.

(7) "Elementary school" means a school consisting of grades kindergarten through eight, or any combination of grades within this range, as determined by the plan of organization for schools authorized by the district board.

(8) "Full-time equivalent" means one pupil in attendance in a district for a minimum of 1,800 minutes per week. All pupils enrolled are in membership in grades K-12. Full-time equivalents for those enrolled in

each vocational category and each exceptional children category are obtained by dividing the attendance minutes per week in the program or class by a minimum of 1,800 minutes or the number of minutes per week that school is in session if greater than 1,800 minutes.

(9) "Kindergarten" means a group or class that is organized to provide educational experience for children for the year immediately preceding the first grade.

(10) "Percentage of attendance" means the aggregate days attendance divided by the aggregate days membership.

(11) "Public common school foundation program fund" means the fund created by Section 4 of this Act for use in financing education in public elementary, secondary and vocational schools.

(12) "Pupil unit" means full-time equivalent attendance times weights of the category of need.

(13) "Regulations of the State Board of Education" means those regulations which the State Board of Education may adopt upon the recommendation and with the advice of the Superintendent of Public Instruction. The Superintendent of Public Instruction shall recommend for adoption by the State Board of Education such rules and regulations as he deems necessary for carrying out the purpose of this Act.

(14) "Rank and experience factor" means that factor that takes into consideration rank as provided in Section 8 of this Act and professional experience as defined by the regulations of the State Board of Education.

(15) "Required local tax effort" means the amount of money required to be provided by a district from local property tax revenue sources only.

(16) "Secondary school" means a school consisting of grades seven through twelve, or any appropriate combination of grades within this range, except seven and eight, as determined by the plan of organization for schools authorized by the district board. When grades seven through nine or ten are organized separately as a junior high school, or grades ten through twelve are organized separately as a senior high school, and are conducted in separate school plant facilities, each shall be considered a separate secondary school for the purposes of this Act.

(17) "Single salary schedule" means a salary schedule adopted by a local board which is based on training, experience, and such other factors as the State Board of Education may approve upon recommendation of the Superintendent of Public Instruction. The salary schedule shall not discriminate between salaries paid elementary or secondary teachers.

(18) "Teacher" means any person engaged in classroom instruction, principal, supervisor, superintendent, assistant superintendent, librarian, director of pupil personnel, or other member of the teaching or professional staff employed by the board and engaged in the service of the public elementary, secondary, and/or vocational school for whom certification is required as a condition of employment.

(19) "Value of capital outlay unit" means the amount appropriated in the biennial budget for each pupil unit for capital outlay.

(20) "Value of pupil unit" means the amount appropriated in the biennial budget for each pupil unit for current operations.

(21) "Vocational school" means a facility which provides the vocational component of the education program for secondary pupils.

Section 4. A new section of KRS Chapter 157A is created to read as follows:

(1) There is hereby established the public common school foundation program fund consisting of appropriations for distribution to districts in accordance with the provisions of this Act.

(2) The resources of the public common school foundation program fund shall be paid into the State Treasury, and shall be drawn out or appropriated only in aid of public schools as provided by statute.

Section 5. A new section of KRS Chapter 157A is created to read as follows:

Each district which meets the following requirements shall be eligible to share in the distribution of funds from the public common school foundation program fund:

(1) Employs and compensates all teachers for not fewer than 185 days, provided, that the State Board of Education upon recommendation of the Superintendent of Public Instruction, shall prescribe procedures whereby this requirement may be reduced during any year for any district which employs teachers for less than 185 days, in which case the eligibility of a district for participation in the public common school foundation program fund shall be in proportion to the length of time teachers are employed.

(2) Operates all schools for a term as provided in KRS 158.070 and regulations of the State Board of Education, provided, however, that if the school term is less than 185 days for any reason approved by the State Board of Education on recommendation of the Superintendent of Public Instruction, the eligibility of a district for participation in the public common school foundation program fund shall be in proportion to the length of term the schools actually operate.

(3) Compensates all teachers on the basis of a single salary schedule and in conformity with the provisions of this Act.

(4) Makes the required local tax effort as otherwise provided by Section 3 of this Act.

(5) Includes no non-resident pupils in its average daily attendance or average daily membership except by written agreement with the district of the pupils' legal residence. This subsection does not apply to those pupils enrolled in an approved class conducted in hospitals.

Section 6. A new section of KRS Chapter 157A is created to read as follows:

The Superintendent of Public Instruction shall calculate and allot pupil units in the following manner:

(1) On or before December 1 of each year, each local school district shall certify to the Superintendent of Public Instruction, the average daily full-time equivalent attendance of all eligible pupils enrolled in that district for the first three school months. This attendance shall be reported by the following grade levels: kindergarten, grades 1 through 2, grades 3 through 8, and grades 9 through 12. These full-time equivalent attendants will then be multiplied by the following weights and added to give the pupil units for the basic program:

Levels	*Weights*
Kindergarten	1.10
Grades 1-2	1.30
Grades 3-8	1.00
Grades 9-12	1.20

(2) On or before December 1 of each year, each local school district shall certify to the Superintendent of Public Instruction the average daily full-time equivalent attendance of all eligible pupils enrolled for the first three school months in an approved program for exceptional children. The full-time equivalent attendance units shall be reported by the categories of exceptional children classes in which they are enrolled. An "add-on-weight" for the following categories will be multiplied by the full-time equivalent attendance in each category. The sum of these will give the additional pupil units for exceptional children.

Categories	*"Add-on Weight"*
Physically Handicapped	1.50
Hard of Hearing	1.40
Deaf	2.00
Mentally Retarded Educable	1.10
Emotionally Disturbed	2.70
Neurologically Impaired	2.30
Visually Handicapped	2.70
Mentally Retarded Trainable	2.30

(3) On or before December 1 of each year, each local school district shall certify to the Superintendent of Public Instruction the average daily full-time equivalent attendance of all eligible pupils enrolled for the first three school months in an approved program of vocational education. This full-time equivalent attendance will be reported by the categories of vocational education in which they are enrolled. An "add-on weight" for the following categories will be multiplied by the full-time equivalent attendance in each category. The sum of these will give the additional pupil units for vocational education.

Vocational Education Categories	*"Add-on Weight"*
I.	.30
Record Keeping	
Accounting I	
Business Law	
Intro. to Consumer Education	
Business Economics	
Typewriting II	
Shorthand I	
Bus. Org. and Management	
Bus. Communications	
Personal & Family Dev. - Special Int.	
Clothing - Wage Earning	
Family Living	
Business Math	
II.	.55
Economics of Distribution	
Becoming Employable	
Comprehensive H. Ec. I	
H. Ec. for Boys	

Plumbing & Pipe Trades
Office Machines
Merchandising
Comprehensive H. Ec. II
Consumer Education
Sec. Office Practice
Dressmaking & Tailoring
Simulated Office Practice

III. .80

H. Ec. for Career/College
Food Management
Clothing Management - Spec. Int.
Child Development - Spec. Int.
Comprehensive H. Ec. III
Clerical Office Practice
Unit Data Processing
Shorthand II
Food - Wage Earning
Cosmetology
Home & Community Service - Wage Earn.
Home Management - Spec. Int.
Housing - Spec. Int.
Special Voc. Work Exp.

IV. 1.05

Child Care Serv. - Wage Earning
Co-op Supervision
Agribusiness I
Simulated Work Exp.
Accounting II
H. Ec. - Special Needs
Agr. Products
Dry Cleaning
Trowel Trades
Marketing
Drafting & Commercial Art
Special Voc. Ed. Class

V. 1.30

Agribusiness II
Co-op Coordination
Sheet Metal & Air Cond. Trades
Woodworking & Building Trades
Elec. Data Processing
Agr. Resources
Diversified Agr. Occ.
Electrical Trades
Agr. Supplies & Services

VI. 1.55

Commercial Food
Agr. Mechanics
Forestry
Agr. Production
Automotive Trades
Health Occupations
Mech. & Metal Trades
Printing Trades
Practical Nursing
Horticulture

(4) The State Board of Education on recommendation of the Superintendent of Public Instruction may approve a category and/or a class not included in subsection (2) or (3) of this section.

(5) The total pupil units allocated to each district is the sum of subsections (1), (2), and (3) of this section.

Section 7. A new section of KRS Chapter 157A is created to read as follows:

The Superintendent of Public Instruction shall determine the value of the pupil unit in the following manner:

(1) The amount appropriated by the General Assembly for the public common school foundation program during fiscal 1976 plus any funds available from other sources shall be allotted under the public common school foundation program fund. The amount to be allotted for current operation shall include the amounts appropriated under the public common school foundation program for instruction salaries and current expense after the adjustment for transportation and required local effort has been completed. This amount will be divided by the pupil units to establish the value of a "Pupil Unit." In subsequent fiscal years, the value of a "Pupil Unit" shall be set for each year of the biennium by the General Assembly.

(2) The amount to be included for capital outlay shall be the amount appropriated by the General Assembly under the public common school foundation program for fiscal 1976. This amount will be divided by the total pupil units to establish the value of a "capital outlay unit." In subsequent fiscal years, the value of a "capital outlay unit" shall be set each year of the biennium by the General Assembly.

Section 8. A new section of KRS Chapter 157A is created to read as follows:

(1) The Superintendent of Public Instruction, under regulations of the State Board of Education, shall classify teachers in rank as follows:

Rank I. Those holding regular certificates and who have a masters degree or its equivalent and who have earned thirty semester hours of approved graduate work or its equivalent, and those teachers who, as of September 1, 1962, were included in Rank I, having earned twenty-four semester hours of additional approved graduate work.

Rank II. Those holding regular certificates and who have a masters degree or its equivalent.

Rank III. Those holding regular certificates and who have an approved four-year college degree or the equivalent.

Rank IV. Those holding certificates and who have ninety-six to 128 semester hours of approved college training or the equivalent; provided, however, that persons holding emergency certificates shall not be classified higher than this rank for calculation of the amount to be included in public common school foundation program.

Rank V. Those holding certificates and who have sixty-four to ninety-five semester hours of approved college training or the equivalent.

(2) In determining ranks, the Superintendent of Public Instruction, under regulations of the State Board of Education, shall classify teachers who hold valid certificates in the respective ranks according to approved college semester hours of credit. The Superintendent of Public Instruction, in defining preparation for certain types of vocational teachers as equivalent to college training, shall give consideration to apprenticeship training and industrial experience.

(3) Experience under this section shall be defined by regulations of the State Board of Education.

(4) A factor for teacher rank and experience shall be determined for each district. A district shall not receive a rank and experience factor for any teacher improperly assigned in accordance with regulations of the State Board of Education. The rank and experience factor shall be obtained by multiplying the number of eligible teachers in each rank and years of experience by the following factors:

RANK	I	II	III	IV	V
EXPERIENCE					
0-3 years	.98	.91	.84	.34	.30
4-9 years	1.12	1.05	.98	.34	.30

10+years 1.20 1.13 1.06 .34 .30

The sum of these are then divided by the number of teachers employed by the local board to obtain a district factor for rank and experience.

(5) The adjusted pupil units will be obtained by multiplying the factor for rank and experience for that district by the total pupil units in subsection (5) of Section 6 of this Act.

(6) The total adjusted pupil units for the public common schools shall equal the total pupil units in subsection (5) of Section 6 of this Act.

Section 9. A new section of KRS Chapter 157A is created to read as follows:

(1) In determining the cost of the public common school foundation program for each district, the Superintendent of Public Instruction shall determine the average cost per pupil per day of transporting pupils in districts having a similar density of transported pupils per square mile of area served by not less than nine different density groups.

(2) The annual cost of transportation shall include all current costs for each district plus annual depreciation of pupil transportation vehicles calculated in accordance with the regulations of the State Board of Education for such districts that operate district-owned vehicles.

(3) The aggregate and average daily attendance of transported pupils shall include all public common school pupils transported at public expense who live one mile or more from school, provided that handicapped pupils may be included who live less than this distance from school. The aggregate and average daily attendance referred to in this subsection shall be the aggregate and average daily attendance of transported pupils the prior year adjusted for current year increases in accordance with State Board of Education Regulations.

(4) The State Board of Education, by regulation, shall determine the type of handicapped pupil that qualifies for special transportation to and from school. Those qualified pupils for which the district provides special transportation shall have their aggregate days attendance multiplied by 5.0 and added to that part of the district's aggregate days attendance that is multiplied by the district's adjusted cost per pupil per day in determining the district's pupil transportation program cost for allotment purposes.

(5) The square miles of area served by transportation shall be determined by subtracting from the total area in square miles of the district the area not served by transportation, determined in accordance with the regulations of the State Board of Education provided that if one district authorizes another district to provide transportation for a part of its area, such area served shall be deducted from the area served by that district and added to the area served by the district providing the transportation.

(6) The density of transported pupils per square mile of area served for each district shall be determined by dividing the average daily attendance of transported pupils by the number of square miles of area served by transportation.

(7) The Superintendent of Public Instruction shall determine the average cost per pupil per day of transporting pupils in districts having a similar density by constructing a smoothed graph of cost for all density groups as provided in subsection (1) of this section. This graph shall be used to construct a scale showing the average costs of transportation for districts having a similar density of transported pupils. Such costs shall be determined separately for county school districts and independent school districts, provided that no independent school district will receive an average cost per pupil per day in excess of the minimum received by any county district or districts. These costs shall be the costs per pupil per day of transported pupils included in the foundation program and such costs shall be recalculated each year.

(8) The cost of transporting a district's pupils from the parent school to a State Vocational-Technical School or to a Vocational Education Center shall be calculated separately from the calculation required by subsections (1) through (8) of this section. The amount calculated shall be paid separately to each district from public common school foundation program funds budgeted for vocational pupil transportation, as a reimbursement based on the district's cost for providing this service. The amount of reimbursement shall be calculated in accordance with State Board of Education Regulations. In the event that the appropriation for vocational pupil transportation in the biennial budget is insufficient to meet the total calculated cost of this service for all districts, the amount paid to each district shall be ratably reduced. For the purpose of this subsection, the parent school shall be interpreted to mean that school in which the pupil is officially enrolled in a district's public common school system.

Section 10. A new section of KRS Chapter 157A is created to read as follows:

(1) On or before March 1 of each year the Department of Revenue shall determine the assessed value of all property subject to taxation for school purposes, including a separate listing of the part of such assessment represented by "net assessment growth" as defined in KRS 132.425, and shall determine the percentage that the assessed value in each district is of the total assessed value of all property in the Commonwealth subject to taxation for school purposes, and shall certify such information to the Superintendent of Public Instruction for use in determining the required local tax effort for each district for the fiscal year beginning on July 1, next after such certification.

(2) The aggregate required local tax effort for the Commonwealth shall be the sum of the aggregate required local tax effort for the preceding year plus the amount obtained by multiplying the percentage of net assessment growth, as defined in KRS 132.425, by the aggregate local required tax effort for the preceding year; and the required local tax effort for each district shall be obtained by multiplying each district's percentage of the total assessed value of all property in the Commonwealth subject to taxation for school purposes by the aggregate required local tax effort of the Commonwealth.

(3) Any district's levy under KRS 160.470 shall be at such rate as is necessary to provide the required local tax effort.

Section 11. A new section of KRS Chapter 157A is created to read as follows:

The Superintendent of Public Instruction shall determine the amount distributable to each district from the public common school foundation program fund in the following manner:

(1) The amount included for each district for current operations shall be the adjusted pupil units times the value of a pupil unit as calculated in subsection (1) of Section 7 of this Act in fiscal 1976 and as appropriated by the legislature each year thereafter.

(2) The amount included for each district for capital outlay shall be the total pupil units times the value of a capital outlay unit as calculated in subsection (2) of Section 7 of this Act in fiscal 1976 and as appropriated by the legislature each year thereafter.

(3) The amount included for each district for transportation shall be the aggregate attendance of transported pupils multiplied by the formula adjusted cost.

(4) The calculated foundation program level of funding for each district shall be the sum of subsection (1), (2), and (3) of this section.

(5) The amount of money distributable to each district from the public common school foundation program fund shall be determined by subtracting the required local tax effort as determined in subsection (2) of Section 10 of this Act from the calculated level of foundation program funding for each district as determined in subsection (4) of this section.

(6) If it is determined in subsection (5) of this section that the amount of money distributed to a school district for the school year 1975-76 shall be less than the allotment under subsection (1) of KRS 157.400, then the apportionment for that district shall be increased to the allotment under subsection (1) of KRS 157.400.

Section 12. A new section of KRS Chapter 157A is created to read as follows:

(1) For each school year the Executive Department for Finance and Administration, on the certification of the Superintendent of Public Instruction, shall draw warrants as specified hereinafter on the State Treasurer for the amount of the public common school foundation program fund due each district. Checks shall be issued by the State Treasurer and transmitted to the Department of Education for distribution to the proper officials of the several school districts when the districts have fully complied with the school laws and rules and regulations of the State Board of Education. The Superintendent of Public Instruction shall determine on or before August 15 of each year the tentative allotment of public common school foundation program funds to which each district is entitled under the provisions of this Act. On July 1, August 1, and September 1, of each fiscal year, one-twelfth of the prior year's allotment minus the capital outlay shall be paid each school district. On the first of each month thereafter until the final calculation is completed, one-twelfth of each district's share of the tentative calculation for current operation and transportation of the public common school foundation program fund shall be distributed. On or before May 1 of each year the Superintendent of Public Instruction shall determine the exact amount of the public common school foundation program fund to which each district is entitled and the remainder of the amount due each district for the year shall be distributed in equal installments beginning the first month after completion of final calculation and for each successive month thereafter.

(2) Capital outlay shall be made in two payments. The first, on or before October 1, shall be one-half of the amount calculated on the tentative allocation for capital outlay. The balance due shall be paid on or before May 1.

Section 13. A new section of KRS Chapter 157A is created to read as follows:

Public common school foundation program funds made available to the credit of each district during any year, together with the funds required from local tax effort, shall be received, held and expended by the district board, subject to the regulations of the State Board of Education and the following provisions:

(1) Public common school foundation program funds shall be used only for teachers holding a valid Kentucky teaching certificate.

(2) The capital outlay allotment for each district from the public common school foundation program fund and from local sources shall be kept in a separate fund and may be used by the district only for capital outlay projects approved by the Superintendent of Public Instruction in accordance with requirements of law, and based on a survey made in accordance with rules and regulations prescribed by the State Board of Education. These funds shall be used for the following capital outlay purposes:

(a) For direct payment of construction costs;

(b) For debt service on voted and funding bonds;

(c) For payment or lease-rental agreements under which the board eventually will acquire ownership of a school plant;

(d) For the retirement of any deficit resulting from overexpenditure for capital construction, if such deficit resulted from an emergency declared by the State Board of Education under KRS 160.550, and

(e) As a reserve fund for the above-named purposes, to be carried forward in ensuing budgets; provided, however, if any district has a special levy for capital outlay or debt service that is equal to the capital outlay allotment or a proportionate fraction thereof, and spends the proceeds of that levy for the above-named purposes, the Superintendent of Public Instruction, under regulations of the State Board of Education, may authorize the district to use all or a proportionate fraction of its capital outlay allotment for current expenses.

(3) If a survey shows that a school district has no capital outlay needs as described in paragraphs (a), (b), (c) and (d) of subsection (2) of this section, upon approval of the Superintendent of Public Instruction, capital outlay funds may be used for school plant maintenance, repair, insurance on buildings, replacement of equipment, and purchase of school buses.

(4) In the expenditure of foundation program funds, with the exception of transportation funds, each district shall spend for the education of the children of each classification and weighting category set forth in Section 6 of this Act an amount equal to that amount calculated in each classification and weighting category provided in Section 6 of this Act.

(5) The State Board of Education, upon recommendation of the State Superintendent of Public Instruction, shall promulgate regulations to carry out the provisions of subsection (4) of this Section.

Section 14. A new section of KRS Chapter 157A is created to read as follows:

If, when the apportionments are being determined under the provisions of this Act, funds appropriated by the General Assembly to the public common school foundation program fund plus that portion of the funds required from local tax effort are insufficient to provide the amount of money required under Section 11 of this Act, the Superintendent of Public Instruction shall make a percentage reduction in the allotments determined in these subsections for each district to the extent necessary to reduce the total of these allotments to funds available.

Section 15. A new section of KRS Chapter 157A is created to read as follows:

The Superintendent of Public Instruction shall evaluate the effectiveness and equity of the weight assigned to each category in subsections (1), (2), and (3) of Section 6 of this Act, and shall report to the Governor and the Interim Committee on Education his findings and recommendations not later than November 15 of the year immediately prior to the convening of the Regular Session of the General Assembly.

Section 16. A new section of KRS Chapter 157A is created to read as follows:

This Act shall become operable for the 1975-76 school year, or any school year subsequent thereto, when the Governor, after consultation with the State Superintendent of Public Instruction and other appropriate state officials, certifies to the State Superintendent of Public Instruction that there are sufficient funds available to meet the requirements of subsection 6 of Section 11 of this Act. Once this certification is made, this program shall remain in full force and effect for all subsequent school years until modified or repealed by the General Assembly.

Section 17. A new section of KRS Chapter 157A is created to read as follows:

(1) Any person who violates any of the provisions of KRS 157.100 to 157.180 shall be fined not less than one hundred dollars nor more than five hundred dollars.

(2) Any person who violates any of the provisions of this Act shall be fined not less than one hundred dollars nor more than five hundred dollars.

Section 18. Sections 157.310, 157.312, 157.315, 157.320, 157.330, 157.350, 157.360, 157.370, 157.380, 157.390, 157.400, 157.410, 157.420, 157.430, and 157.990 of the Kentucky Revised Statutes are repealed effective June 30, 1976.

The Committee Amendment to **SB 280** is as follows:

Amend printed copy of Senate Bill 280, on page 18, lines 16 through 26, and on page 19, lines 1 through 2, being all of subsection (1) of Section 10, are deleted and the following is inserted:

(1) On or before January 1 of each year the Department of Revenue shall determine the fair cash value of all property subject to assessment for school purposes, including a separate listing of the part of such assessment represented by "net assessment growth" as defined in KRS 132.425, and shall determine the percentage the fair cash value in each district is of the total equalized value of all property in the Commonwealth subject to taxation for school purposes and shall certify such information to the Superintendent of Public Instruction for use in determining the required local tax effort for each district for the fiscal year beginning on July 1, next after such certification.

on page 19, lines 3 through 13, being all of subsection (2), Section 10 are deleted and the following is inserted:

(2) The Superintendent of Public Instruction shall for the 1968-69 fiscal year use the aggregate required local tax effort and the required local tax effort for the respective school districts which were determined for use during the 1967-68 fiscal year. For each fiscal year subsequent to 1968-69, the aggregate required local tax effort for the Commonwealth shall be the sum of the aggregate required local tax effort for the preceding year plus the amount obtained by multiplying the percentage of net assessment growth, as defined in KRS 132.425, by the aggregate local required tax effort for the preceding year; and the required local tax effort for each district shall be obtained by multiplying each district's percentage of the total equalized value of all property in the Commonwealth subject to school taxation for school purposes by the aggregate required local tax effort of the Commonwealth.

HB 584, AN ACT relating to camping trailers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 138.460 is amended to read as follows:

(1) On and after July 1, 1972 a tax levied upon its retail price at the rate of five percent shall be paid on the use in this state of every motor vehicle, *including for the purposes of this section, a camping trailer as defined by KRS 186.650 (4),* except those exempted by KRS 138.470, at the time and in the manner provided in this section. In the case of trucks of gross weight in excess of ten thousand pounds (10,000 lbs.) the tax shall be levied upon ninety percent of the retail price of the vehicle.

(2) The tax shall be collected by the county court clerk or other officer with whom the vehicle is required to be registered:

(a) When he collects the registration fee for registering and licensing a motor vehicle the first time it is offered for registration in this state,

(b) Or upon the transfer of ownership of any motor vehicle previously registered in this state.

(3) The tax collected by the county clerk under this section shall be reported and remitted to the Department of Revenue in the same manner as registration fees on motor vehicles are required to be reported and remitted to the department by KRS 186.230 (5). The county clerk shall for his services in collecting the tax be entitled to retain an amount equal to two percent of the tax collected and accounted for.

(4) No county clerk or other officer shall register or issue any license tags to the owner of any motor vehicle subject to this tax, when the vehicle is then being offered for registration for the first time, or transfer the ownership of any motor vehicle previously registered in this state, unless the owner or his agent pays the tax levied under this section in addition to the transfer, registration and license fees.

(5) When a resident of this state offers a motor vehicle for registration for the first time in this state which was registered in another state that levied a tax substantially identical to the tax levied under this section, such person shall be entitled to receive a credit against the tax imposed by this section equal to the amount of tax paid to the other state. No credit shall be given under this subsection for taxes paid in another state if that state does not grant similar credit for substantially identical taxes paid in this state.

(6) No county clerk or other officer shall register or issue any license tags to the owner of any motor vehicle subject to this tax, when the vehicle is then being offered for registration for the first time, unless the seller or his agent delivers to the county clerk or other officer a certified or photostat copy of the manufacturer's price label for passenger cars or a certified or photostat copy of the itemized billing to the customer in the case of all other motor vehicles; and the clerk shall attach the certified or photostatic copy to the copy of the certificate of registration and ownership mailed to the department.

Section 2. KRS 186.650 is amended to read as follows:

As used in KRS 186.650 to 186.700:

(1) A "trailer" means any vehicle designed for carrying persons or property and being drawn by a motor vehicle being so constructed that no part of its weight rests upon the towing vehicle.

(2) "Semitrailer" means any vehicle designed for carrying persons or property and for being drawn by a motor vehicle and is so constructed that some part of its weight and some part of its load rests upon or is carried by another vehicle.

(3) "Housetrailer" means any vehicle used, or maintained for use, as a conveyance upon highways, designed and constructed in such a manner as will permit occupancy thereof as a temporary dwelling, or as sleeping places for one or more persons, or the conduct of any business or profession, occupation or trade having no other foundation than wheels or jacks, and not being used in one location as a permanent dwelling.

(4) "Camping trailer" means any housetrailer less than *thirty-five* [twenty-five] feet in length and includes a trailer which may be expanded for camping purposes.

(5) "Department" means the department of motor transportation.

SB 30, AN ACT relating to moving expenses of state employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 18 is created to read as follows:

As used in this Act unless the context requires otherwise:

(1) "Department" means as defined in KRS 12.010;

(2) "Administrative body" means as defined in KRS 12.010;

(3) "Moving expenses" means the reasonable expenses of moving household goods and personal effects from an employe's former residence to his new residence, and shall include a per diem allowance not to exceed the cost of food, lodging and necessary incidental expenses incurred by the employe and his family for any days reasonably required to move the employe's household goods from his former residence to his new residence;

(4) "Principal place of work" is the place where the employe spends most of his working time or, in absence of such a place, where he must report in line of responsibility.

Section 2. A new section of KRS Chapter 18 is created to read as follows:

Any department or administrative body shall reimburse any employe for moving expenses incurred by reason of being required by the same department or administrative body to move to a new principal place of work.

SB 210, AN ACT relating to budget and financial administration.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 45.010 is amended to read as follows:

(1) "Account" is a technical accounting term meaning a formal record in which related transactions and events, (i.e. expenditures, receipts, encumbrances, and interaccount charges or credits) which occur during a specific period of time, are summarized and accumulated.

(2) [(1)] "Appropriation"means an authorization by the General Assembly to a budget unit to expend, from public funds, a sum of money not in excess of the sum specified, for the purposes specified in the authorization and under the procedure prescribed in this chapter.

(3) [(2)] "Appropriation act" means an act of the General Assembly that authorizes the expenditure of *public funds* [state money].

(4) [(3)] "Budget" means the complete financial plan for each fiscal year as proposed in the budget report and modified and adopted by the appropriation and revenue acts.

(5) [(4)] "Budget class" means one (1) of the kinds of expenditure denoting a class of services [or commodities] purchased or properties acquired as specified *by the Commissioner, Executive Department for Finance and Administration,* [in the classification of expenditures provided for in this chapter,] for use in expenditure accounting, in the making of budget estimates, and in the budget reports and budgets.

(6) [(5)] "Budget estimate" means the statement with accompanying explanations, as provided in this chapter, in which a budget unit states its financial requirements and requests appropriations.

(7) [(6)] "Budget report" means the recommendations of the Governor to the General Assembly as to financial plans and expenditures to be authorized, with the accompanying statements and explanations provided for in this chapter.

(8) [(7)] "Budget unit" means a *function, major program area, program, or a* [department or other] unit of organization, but does not include, for the purposes of preparation and submission of the budget report, the General Assembly or the Legislative Research Commission[,] for which separate appropriations are made from those for any other unit of organization.

(9) [(8)] "Capital outlay" means the exchange of values involved in acquiring lands, buildings, equipment or other permanent properties, or in their construction, development or permanent improvement.

(10) [(9)] "Disbursement" means cash actually paid out for any purpose.

(11) [(10)] "Employe" means the lawful incumbent of a position as defined in this section.

(12) [(11)] "Expenditure" means expenses and capital outlays, but does not include disbursements for the purposes of investing idle funds [in investment type securities], or disbursements such as, but not necessarily limited to, those for the purpose of providing *advances* [loans] to sheriffs.

(13) [(12)] "Expense" means values consumed in maintaining, managing and operating government services, in contributing to the cost of maintaining, and operating public services supported in whole or in part by the state, and in providing in accordance with law for any grant, aids, relief or compensation to individuals, whether such values are represented by cash paid out or by obligations to pay cash, or partly by each.

(14) "Function" means a group of related major program areas directed toward a broad and basic goal of state government.

(15) "Fund" means an independent fiscal and accounting entity with a self-balancing set of accounts recording cash and/or other resources together with all related liabilities, obligations, reserves, and equities which are segregated for the purpose of carrying on specific activities in accordance with legal restrictions or other limitations.

(16) "Goal" means the long range target toward which a major program area is directed.

(17) "Inputs" means the resources employed in the accomplishment of objectives.

(18) "Major Program Area" means a group of related programs within a function.

(19) [(17)] "Nonrevenue receipts" means *values accruing that either decrease an asset or create a liability* [funds received from the sale or disposition of assets including the sale of investments].

(20) [(13)] "Operating receipts" means cash received by a budget unit for services rendered, or from the sale of materials, goods or supplies created by the budget unit or of items held for resale.

(21) "Outputs" means the products of program attempts to accomplish objectives--the results.

(22) [(14)] "Position" means any office or employment, or combination of them, in the service of the state, involving duties to be performed and responsibilities to be exercised by one (1) person.

(23) "Program" means a set of related services directed toward the achievement of a specific objective.

(24) [(15)] "Receipts" means cash received from any source.

(25) [(16)] "Revenue receipts" means values accruing as a result of taxation or revenues, or both, and without resultant increase in liabilities or decrease in assets, whether such values are represented by cash actually received or by amounts due and payable, or partly by each.

(26) "Subprogram" means a group of discrete, related activities directed toward producing the designed output stated in the program objectives.

Section 2. KRS 45.040 is amended to read as follows:

Each biennial budget report shall present a complete financial plan for each of the next two (2) fiscal years. It shall include:

(1) A budget message signed by the governor, giving a summary description of his proposed financial policies and plans and explaining the more important features of the proposed financial and operating programs and their anticipated effects on the finances and welfare of the state.

(2) Summary statements of the financial condition of the state, accompanied by such detailed schedules of assets and liabilities as the governor deems desirable, and to include:

(a) A comparative consolidated current account balance sheet showing all the current assets and liabilities of the state and the current account surplus or deficit, as the case may be, at the close of each of the two (2) fiscal years last concluded.

(b) Summary statements of fund balances showing in detail for each fund the current account surplus or deficit at the beginning of each of the two (2) fiscal years last concluded, the actual income of that year, the total net appropriation of that year and the total expenditures of that year.

(c) Similar summary statements of the estimated fund balances for the current fiscal year and each of the next two (2) fiscal years.

(3) Statements of income and receipts for each of the two (2) fiscal years last concluded, and the estimated income and receipts of the current fiscal year and of each of the next two (2) fiscal years. The statements of income and estimated income shall be itemized by sources, by organization units and sources, and by funds and sources. The statements of receipts and estimated receipts shall be itemized by organization units and sources, and by funds and sources, and shall show separately receipts from current income, receipts from refunds and reimbursements of expenditures, receipts from sale of assets, and receipts on account of the income of prior years, all detailed by sources. Existing sources of income and receipts shall be analyzed as to their equity, productivity and need for revision, and any proposed new sources of income or receipts shall be explained.

(4) Summary statements of expenditures and disbursements for each of the two (2) fiscal years last concluded, itemized by budget units under functional heads, and showing the amounts expended and disbursed for each major function of government.

(5) A statement of the surplus account for the general fund and for each special fund. Each surplus account shall show the excess of all current assets over all current liabilities as of the beginning of each of the two (2) fiscal years last concluded, and all changes in each surplus account during each of such two (2) fiscal years.

(6) A statement as of the close of the last completed fiscal year and as of the close of the current fiscal year, showing the total funded debt, the value of sinking fund assets, the net funded debt, the floating liabilities as of the close of the last completed fiscal year and the estimated floating liabilities as of the end of the current fiscal year, and the total debt as of the close of the last completed fiscal year and as of the close of the current fiscal year.

(7) Detailed comparative statements of expenditures and requests for appropriations by funds *and* [,] budget units [and budget classes], showing [the] expenditures for each of the two (2) fiscal years last concluded, the budget of the current year, and the requests of each budget unit and the governor's recommendations for appropriations for each of the next two (2) fiscal years, *by major program area, program, and subprogram, if applicable* [all distributed according to budget classes or ordinary recurring expenses of operation and maintenance, and of extraordinary expenses and capital outlays]. Following the lists of actual and proposed expenditures of each budget unit there shall be a brief explanation of the *goals of the major program areas and the objectives, beneficiaries, levels of need, and results for each program and subprogram* [functions of the unit] and comments on its policies and plans and on any considerable differences among the amounts expended, the amounts requested and the amounts recommended, with such descriptive quantitative, comparative and other data as to work done, unit costs and like information as is considered necessary or desirable. In connection with each budget class of capital outlays involving construction projects to be completed in two (2) or more fiscal years there shall be shown the total estimated cost of each such project and the amount thereof recommended to be appropriated and expended in each ensuing fiscal year until completion of the project.

(8) A summary statement for each fund of the cash resources estimated to be available at the beginning of each of the next two (2) fiscal years, and the estimated cash receipts of the fiscal year, as compared with the total recommended amounts of appropriation for all budget *units* [classes] for the year, and if the total of the recommended expenditures exceeds the total of the estimated resources, recommendations as to how the deficiency is to be met and estimates of receipts from any proposed additional revenues.

(9) A draft of a proposed appropriation act or acts embodying the governor's recommendations for appropriations for the next two (2) fiscal years, and drafts of such revenue and other acts as may be recommended for putting into effect the proposed financial plan. The recommended appropriations for ordinary recurring expenses shall not be itemized by budget classes in the appropriation acts, but by budget units, and the amount of each of such recommended appropriations shall be the total of the recommended amounts for the budget *units* [classes] in the group covered by the appropriation. Recommended appropriations for extraordinary expenses and capital outlays shall be itemized in the appropriation act by budget *units,* [classes,] and the title of each budget *unit* [class] shall be so worded as to limit each appropriation to the specific use or purpose intended. In connection with each suggested appropriation for capital outlays, the draft of the appropriation act shall specify the total amount to be appropriated for the total estimated cost of each such project, and the amount recommended for appropriation for each fiscal year thereafter until the completion of the project. The recommended appropriation for each budget unit shall be specified in a distinct and separate section of the appropriation act. The total amount of appropriations recommended from any fund shall not exceed the cash resources estimated by the governor to be available and to become available to meet expenditures under such appropriations.

(10) A certificate of the *Executive Department for Finance and Administration* [department of finance] as to the accuracy of the statements of financial condition, of income and receipts, and of expenditures and disbursements.

(11) Such other information as the governor deems desirable or is required by law.

Section 3. KRS 45.140 is amended to read as follows:

(1) Revolving accounts may be established in the operating fund by appropriations for financing activities self-supporting in whole or in part.

(2) Trust and agency accounts may be established in the operating fund to receive and disburse contributions, gifts, donations, devises and federal appropriations, and, when authorized by law, by depositing all of the fees (which include fees for maintenance in state institutions, incidental fees, tuition fees, fees for board and room, athletics, and student activities), rentals, admittance, sales, licenses collected by law, subventions and other miscellaneous receipts of such boards, commissions, departments, agencies, and institutions.

(3) The head of the budget unit or other responsible fiscal agent of the unit [or division] for which a revolving, trust or agency account has been established shall deposit with the state treasury all receipts of the character above described, and the *Executive Department for Finance and Administration* [department of

finance] shall credit all such receipts to the budget unit [or division thereof] as directed in writing by the head of the budget unit [or division thereof], and shall keep separate accounting for each account so established.

(4) The amounts credited to any revolving, trust or agency account so provided, shall be held available for disbursement for the purpose [of the fund in the manner] provided by law and shall not be diverted to any other purpose. Revolving, trust or agency accounts shall be subject to withdrawal from the state treasury by the head of each budget unit [or division thereof] when actually needed, on requisition to the *Executive Department for Finance and Administration* [department of finance] in the same manner provided by law as other state funds are withdrawn. Funds received from the federal government in the form of grants or otherwise may be expended for the purpose intended even though received in a fiscal year other than that in which the related original encumbrance or expenditure was incurred. *Trust and agency funds must be allotted before an expenditure is made; and the Commissioner of the Executive Department for Finance and Administration may withhold allotment of general fund appropriations to the extent trust and agency funds are available.*

(5) Subject to prior approval by the Commissioner of *the Executive Department for Finance and Administration* [finance], any agency which, as an incident to its authorized duties and functions, furnishes requested services or materials to any persons outside state government, where such services or materials are not required by law, to be furnished gratuitously, may charge such persons an amount not to exceed the total expense to the agency of the services or materials furnished. The receipts from such approved charges shall be deposited and expended in accordance with subsections (2), (3) and (4) of this section or may be deposited as a general fund receipt at the discretion of the Commissioner of *the Executive Department for Finance and Administration* [finance].

Section 4. KRS 45.160 is amended to read as follows:

Except as deviations therefrom are made necessary by changes in conditions of operations, to meet unforeseen contingencies, to correct errors, or to avoid cash deficits, the heads of the budget units, the *Executive Department for Finance and Administration* [department of finance] and the governor, in allotting appropriations for expenditure, shall be governed by the *functions, major program areas, programs, or units of organization* [work plans formulated by the heads of the budget units] as shown in the detailed budget estimates as enacted by the general assembly, and the heads of the budget units shall hold to the *functions, major program areas, programs or units or organization* [work plans and detailed expenditure estimates] as authorized and approved on advices of allotments. The Commissioner of *the Executive Department for Finance and Administration* [finance] shall make quarterly allotments of appropriations, except in the case of appropriations for the purpose of capital outlay for buildings, roads and bridges, and for printing, as provided in KRS 45.200. In any other cases where periodic allotments as provided for herein are impracticable, the department may prescribe a different period suited to the circumstances, not exceeding one (1) year nor extending beyond the end of the biennium. The department shall have authority at any time to modify or amend any allotment previously made by it, upon application of, or upon notice to, the department or agency concerned, provided that no such modification or amendment shall reduce an allotment below the amount required to meet valid obligations or commitments previously incurred against the allotted funds. In making the allotments the expenditures to be authorized shall be classified according to purpose [or type], and the funds allotted for each purpose [or type] of expenditure shall be used for no other purpose, except that the head of any budget unit, with the approval of the Commissioner of *the Executive Department for Finance and Administration* [finance], may transfer allotted funds from one (1) purpose [or type] of expenditure to another, within the budget unit. In no case shall obligations be incurred or expenditures made in excess of the total amounts allotted. The decision of the Commissioner of *the Executive Department for Finance and Administration* [finance] as to the amount of any allotment for any fiscal quarter or other period or as to the purposes for which money allotted may be expended, shall be final and conclusive. The Commissioner of *the Executive Department for Finance and Administration* [finance] is authorized, empowered and directed by the general assembly to reduce any appropriation and withhold allotments therefrom to prevent an overdraft or deficit in any fiscal year for which any appropriation is made; Provided, however, That the power vested shall not permit any reduction of the appropriation of any officer, board, commission, institution or subdivision of state government that will actually impair the necessary constitutional functions of any agency whose operations and functions are determined to be necessary constitutional functions of government.

Section 5. KRS 45.230 is amended to read as follows:

(1) No state officer or agency shall, after the close of any fiscal year, incur, or vote, order or approve the incurring of, any obligation or expenditure under any appropriation for that fiscal year, and no expenditure shall be made from or charged to any appropriation for any fiscal year that has expired at the time the obligation for the expenditure was incurred.

(2) Budget units operating books of account on a full accrual basis, may, with the approval of the Commissioner of the Executive Department for Finance and Administration, incur expenditures from allocated fund balances to the extent they represent assets on the audited fund balance sheet reports.

(3) Budget units operating both from agency funds and general appropriation funds and using an accrual basis of accounting may, with the approval of the Commissioner of the Executive Department for Finance and Administration, incur expenditures from agency funds in excess of the sum of general funds and agency funds.

(4) The *Executive Department for Finance and Administration* [Department of Finance] may, for a period of three (3) months after the close of any fiscal year, draw warrants against the available balances of appropriations made for that fiscal year, for the payment of expenditures incurred during that year or in fulfillment of contracts properly made during that year, but for no other purpose. After the expiration of three (3) months from the beginning of each fiscal year, all balances of appropriations for the prior fiscal year shall lapse, unless otherwise provided by law, and no further payments shall be made on any claims on account of expenditures of the prior fiscal year.

Section 6. KRS 45.260 is amended to read as follows:

Fees for licenses, permits or certificates of any kind due any budget unit shall be collected by the budget unit at the time such licenses, permits or certificates are issued by it, and all other money accruing to the budget units or to the state through the budget units shall also, as far as practicable, be collected at the time the services are rendered or at the time of accrual by the budget units rendering the services or assessing the charges or otherwise giving rise to the claims in favor of the state. When collections cannot be so made, the budget units concerned shall render bills to the persons liable for the amounts due or accruing, and shall collect such bills. Each bill shall carry notice to the effect that checks and money orders shall be made payable to the state treasurer. [The department of finance shall prescribe the form of the bills, have them numbered, and issue them to the budget units. The department shall record the numbers of those issued to each budget unit and shall hold the administrative head thereof accountable for each bill so issued and recorded. The budget units shall keep copies of all bills rendered, and shall mark the word "Paid" on the copies of bills that have been paid.]

Section 7. Subsection (4) of KRS 45.320 is created to read as follows:

(4) Each department head and cabinet secretary shall, within thirty (30) days following December 31, 1974, June 30, 1975, and each six months thereafter submit to the Governor, with a copy to the Legislative Research Commission and the Commissioner of the Executive Department for Finance and Administration, a report, to be known as the "program status report," showing for each program and, if applicable, for each subprogram, within his areas of responsibility for the preceeding six months the following:

(a) Appropriations, allotments, expenditures, encumbrances, and available balance.

(b) The level of service budgeted, defined in terms of objectives and beneficiaries.

(c) The level of services delivered during the period.

(d) Alternatives for improved service delivery.

(e) Any changes in service authorized or necessary as a result of unanticipated changes in clientele, resources, or for other reasons.

(f) An evaluation of results, including a description of measurements used.

Section 8. A new section of KRS Chapter 45 is created to read as follows:

Budget units having bona fide receivables may, with the permission of the Commissioner of the Executive Department for Finance and Administration, establish receivable accounts with a corresponding credit to an allotment account.

Section 9. A new section of KRS Chapter 45 is created to read as follows:

(1) The accounting system prescribed and installed by the Executive Department for Finance and Administration shall include the following fund structure:

(a) Operating Fund Group. This fund shall consist of all monies, not otherwise restricted, available for general operations of state government. It may include general funds, agency receipts, grants, and federal funds. A separate record of each source of revenue within this fund group shall be maintained.

(b) Transportation Fund Group. This fund shall consist of road fund revenues, agency receipts, federal funds and general funds appropriated by the General Assembly for programs carried out in the Department of Transportation. A separate record of each source of revenue within this fund group shall be maintained.

(c) Capital Construction Fund. This fund shall consist of monies allotted for capital construction projects, except road construction projects, for all agencies of state government.

(d) Bond Debt Related Fund Group. This group of funds shall consist of all outstanding bonded debt liability and related funds of state government, including all revenue bonds issued by or approved by the state property and buildings commission. Accounts necessary to assure integrity of trust indentures shall be maintained. Funds appropriated for debt service shall be allotted to these accounts and any excess of appropriation over net requirements for principle, interest and reserves for any issue shall lapse to the general fund if general funds are a part of the appropriation for that budget unit.

(e) Restricted Fund Group. This fund group shall consist of appropriations and other receipts restricted as to purpose, and which by statute or otherwise may not be included in the operating fund.

(2) Transfers of appropriations, allotments, or receipts between funds shall be permitted, with the permission of the Office for Policy and Management, for the purpose of matching restricted grants, for debt service, for capital construction, or for necessary government expense; provided, however, that no transfers, may be made from other funds to the operating fund to correct errors, except to return excess transfers, to and with the written permission of the Commissioner of the Executive Department for Finance and Administration.

Section 10. KRS 45.141 and KRS 45.270 are hereby repealed.

SB 179, AN ACT relating to the taxation of pollution control equipment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 224 is created to read as follows:

(1) For purposes of this Section only, "pollution control facility" shall mean and include:

(a) Any property designed, constructed, or installed as a component part of any commercial or industrial premises for the primary purpose of eliminating or reducing the emission of, or ground level concentration of, particulate matter, dust, fumes, gas, mist, smoke, vapor, or odorous substances, or any combination thereof which renders air harmful or inimical to the health of persons or to property within this Commonwealth;

(b) Any disposal system or any treatment works, pre-treatment works, appliance, equipment, machinery, or installation constructed, used, or placed in operation primarily for the purpose of reducing, controlling, or eliminating thermal pollution or water pollution caused by industrial waste, or what would be industrial waste, if discharged into the waters of the Commonwealth;

(c) Any disposal system or any appliance, equipment, machinery or installation constructed, used or placed in operation primarily for disposing of solid waste or converting solid waste into an item of real economic value;

(d) Any property designed, constructed, or installed as a component part of any commercial or industrial premises for the primary purpose of eliminating or reducing the emission of sound which is harmful or inimical to the health of persons or to property, or materially reduces the quality of the environment in this Commonwealth;

(e) Any property designed, constructed, or installed for the primary purpose of removing substances from raw materials, which substances, if permitted to become a component part of the finished product, would have a deleterious effect on the environment when the finished product was utilized.

(2) "Industrial waste" means any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacture, trade, or business, or from the development, processing, or recovery of any natural resource, together with such sewage as is present, which pollutes the waters of the Commonwealth.

(3) "Solid waste" means any residue in a solid or semi-solid form resulting from any process of industry, manufacture, trade or business or from the development, processing, or recovery of any natural resource, which has insignificant economic value.

(4) "Treatment works" means any plant, disposal field, lagoon, dam, pumping station, incinerator, or other works used for the purpose of treating, stabilizing, or holding sewage, industrial waste, or other wastes.

(5) "Water pollution" shall mean the placing of any noxious or deleterious substances in any waters of the Commonwealth which render such waters harmful or inimical to aquatic life, or to the use of such waters for domestic water supply, or industrial or agricultural purposes or for recreation.

(6) "Waters of the Commonwealth" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, which are situated wholly or partly within, or border upon, this Commonwealth, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface or underground waters.

(7) "Department" shall mean the Kentucky Department for Natural Resources and Environmental Protection.

(8) "Pollution control tax exemption certificate" shall mean that certificate issued by the Department pursuant to subsection (9) of this Section.

(9) Application for a pollution control tax exemption certificate shall be filed with the Department in such manner and in such form as may be prescribed by regulations issued by the Department and shall contain plans and specifications of the structure or structures including all materials incorporated and to be incorporated therein and a descriptive list of all equipment acquired or to be acquired by the applicant for the purpose of air, noise, solid waste or water pollution control and any additional information deemed necessary

by the Department of Revenue for the proper administration of this Act. If the Department finds that the facility qualifies as a pollution control facility as defined in Section 1 of this Act, it shall enter a finding and issue a certificate to that effect. The effective date of said certificate shall be the date of the making of the application for such certificate.

(10) Before issuing a pollution control tax exemption certificate, the Department shall give notice in writing by mail to the Commissioner of Revenue, and shall afford to the applicant and to the Commissioner of Revenue an opportunity for a hearing. On like notice and opportunity for a hearing, the Department shall on its own initiative revoke such certificate whenever any of the following appears:

(a) The certificate was obtained by fraud or misrepresentation;

(b) The holder of the certificate has failed substantially to proceed with the construction, reconstruction, installation, or acquisition of the pollution control facilities;

(c) The structure or equipment or both to which the certificate relates has ceased to be used for the primary purpose of pollution control and is being used for a different purpose.

(11) Provided, however, that where the circumstances so require, the Department in lieu of revoking such certificate may modify the same.

(12) On the mailing of notice of the action of the Department revoking or modifying a certificate as provided in subsection (13) of this Section, such certificate shall cease to be in force or shall remain in force only as modified as the case may require.

(13) A pollution control tax exemption certificate, when issued, shall be sent by certified mail to the applicant and notice of such issuance in the form of certified copies thereof shall be sent to the Commissioner of Revenue. Notice of an order of the Department denying, revoking, or modifying a certificate in the form of certified copies thereof shall be sent by certified mail to the applicant or the holder thereof and shall be sent to the Commissioner of Revenue. The applicant or holder and the Commissioner of Revenue are deemed parties for the purpose of the review afforded by subsection (14) of this Section.

(14) Any party aggrieved by the issuance, refusal to issue, revocation, or modification of a pollution control tax exemption certificate may appeal from the final ruling of the Department to the Kentucky Board of Tax Appeals as provided in KRS 131.340.

(15) In the event of the sale, lease, or other transfer of a pollution control facility, not involving a different location or use, the holder of a pollution control tax exemption certificate for such facility may transfer the certificate by written instrument to the person who, except for the transfer of the certificate, would be obligated to pay taxes on such facility. The transferee shall become the holder of the certificate and shall have all rights pertaining thereto, effective as of the date of transfer of the facility or the date of transfer of the certificate, whichever is earlier. The transferee shall give written notice of the effective date of the transfer, together with a copy of the instrument of transfer to the Department and to the Department of Revenue.

(16) In the event a pollution control facility for which an exemption certificate is held ceases to be used for the primary purpose of pollution control or is used for a different purpose than that for which the exemption certificate was granted, the holder of the certificate shall give written notice by certified mail of such change to the Department and to the Department of Revenue.

Section 2. KRS 139.480 is amended to read as follows:

Any other provision of this chapter to the contrary notwithstanding, the terms "sale at retail," "retail sale," "use," "storage," and "consumption," as used in this chapter do not include the sale, use, storage, or other consumption of:

(1) Locomotives or rolling stock, including materials for the construction, repair, or modification thereof, or fuel or supplies for the direct operation of locomotives and trains, used or to be used in interstate commerce;

(2) Coal for the manufacture of electricity;

(3) All energy or energy-producing fuels used in the course of manufacturing, processing, mining, or refining to the extent that the cost of the energy or energy-producing fuels used exceeds three per cent (3%) of the cost of production;

(4) Livestock of a kind the products of which ordinarily constitute food for human consumption provided the sales are made for breeding or dairy purposes and by or to a person regularly engaged in the business of farming;

(5) Poultry for use in breeding or egg production;

(6) Farm work stock for use in farming operations;

(7) Seeds, the products of which ordinarily constitute food for human consumption or are to be sold in the regular course of business, feed for livestock or poultry of a kind the products of which ordinarily constitute food for human consumption, and commercial fertilizer to be applied on land the products from which are to be used for food for human consumption or are to be sold in the regular course of business; Provided such sales are made to farmers who are regularly engaged in the occupation of tilling and cultivating the soil for the production of crops as a business, or who are regularly engaged in the occupation of raising and feeding livestock or poultry or producing milk for sale; and Provided further That such tangible personal

property so sold is to be used only by those persons designated above who are so purchasing;

(8) Machinery for new and expanded industry;

(9) Farm machinery. As used in this section the term "farm machinery" means machinery used exclusively and directly in the occupation of tilling the soil for the production of crops as a business, or in the occupation of raising and feeding livestock or poultry or of producing milk for sale. The term "farm machinery" as used in this section includes machinery, attachments, and replacements therefor which are used or manufactured for use on, or in the operation of farm machinery and which are necessary to the operation of such machinery, and are customarily so used; but this exemption shall not include automobiles, trucks, trailers, and truck-trailer combinations.

(10) Property which has been certified as a pollution control facility as defined in Chapter 224 of the Kentucky Revised Statutes.

Section 3. KRS 136.070 is amended to read as follows:

(1) With respect to taxable years beginning after December 31, 1965, every corporation organized under the laws of this state, every corporation having its commercial domicile in this state, and every foreign corporation owning or leasing property located in this state or having one or more individuals receiving compensation in this state, except state and national banks and trust companies, savings and loan associations organized under the laws of this state and under the laws of the United States and making loans to members only, production credit associations, insurance companies, including farmers' or other mutual hail, cyclone, windstorm or fire insurance companies, insurers and reciprocal underwriters, public service companies subject to taxation under KRS 136.120, and religious, educational, charitable and like corporations not organized or conducted for pecuniary profit, shall pay to the state an annual license tax of seventy cents on each one thousand dollars of the capital employed in the business as computed under the provisions of subsections (2) and (3) of this section.

(2) The corporation shall determine its total capital, both within and without Kentucky. The term "capital" as used in this section includes, but is not limited to, capital stock, surplus, monies borrowed for purposes other than current operating expenses and used in lieu of or in addition to invested capital and earned surplus, advances by affiliated companies, intercompany accounts, or any other items representing additional capital used and employed in the business. The term "capital stock" as used in this section, shall be deemed to have such value as is reflected on the books of the corporation whether having par value or not.

(3) The total capital, as determined under subsection (2) of this section, shall be apportioned as follows:

(a) The total capital shall be multiplied by a fraction, the numerator of which is the property factor plus the payroll factor, plus the sales factor, and the denominator of which is three.

(b) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the tax period and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the tax period*; provided, however, that property which has been certified as a pollution control facility as defined in Chapter 224 of the Kentucky Revised Statutes shall be excluded from the property factor.*

1. Property owned by the taxpayer is valued at its original cost. If the original cost of any property is not determinable or is nominal or zero such property shall be valued by the department under regulations promulgated by the department. Property rented by the taxpayer is valued at eight times the net annual rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals, provided that such rental and such subrentals are reasonable. If the department determines that the annual rental or subrental rate is unreasonable, or if nominal or zero rate is charged, the department may determine and apply such rental rate as will reasonably reflect the value of the property rented by the taxpayer.

2. The average value of property shall be determined by averaging the values at the beginning and ending of the tax period but the department may require the averaging of monthly values during the tax period if reasonably required to reflect properly the average value of the taxpayer's property.

(c) The payroll factor is a fraction, the numerator of which is the total amount paid or payable in this state during the tax period by the taxpayer for compensation, and the denominator of which is the total compensation paid or payable everywhere during the tax period. Compensation is paid or payable in this state if:

1. The individual's service is performed entirely within the state; or

2. The individual's service is performed both within and without the state, but the service performed without the state is incidental to the individual's service within the state; or

3. Some of the service is performed in the state and the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the state, or the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(d) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the tax period, and the denominator of which is the total sales of the taxpayer everywhere during the tax period. Sales of tangible personal property are in this state if:

1. The property is delivered or shipped to a purchaser, other than the United States government, or to the designee of the purchaser within this state regardless of the f.o.b. point or other conditions of the sale; or

2. The property is shipped from an office, store, warehouse, factory, or other place of storage in this state and the purchaser is the United States government or the taxpayer is not taxable in the state to which the property is delivered or shipped.

3. Sales, other than sales of tangible personal property, are in this state if the income-producing activity is performed in this state; or the income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

(4) If the apportionment provisions of this section do not fairly measure the taxpayer's capital in this state, the taxpayer may petition for or the department may require:

(a) The exclusion of any one or more of the factors;

(b) The inclusion of one or more additional factors which will fairly measure the taxpayer's capital in this state; or

(c) The employment of any other method to produce an equitable apportionment of the taxpayer's capital.

(5) No corporation required to pay an annual license tax under this section shall pay less than ten dollars.

Section 4. KRS 141.120 is amended to read as follows:

(1) As used in this section, unless the context requires otherwise:

(a) "Business income" means income arising from transactions and activity in the regular course of a trade or business of the taxpayer and includes income from tangible and intangible property if the acquisition, management, or disposition of the property constitutes integral parts of the taxpayer's regular trade or business operations;

(b) "Commercial domicile" means the principal place from which the trade or business of the taxpayer is managed;

(c) "Compensation" means wages, salaries, commissions, and any other form of remuneration paid or payable to employes for personal services;

(d) "Financial organization" means any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, credit union, cooperative bank, investment company, or any type of insurance company;

(e) "Nonbusiness income" means all income other than business income;

(f) "Public service company" means any business entity subject to taxation under KRS 136.120;

(g) "Sales" means all gross receipts of the taxpayer not allocated under subsections (4) through (8) of this section;

(h) "State" means any state of the United States, the District of Columbia, the commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country or political subdivision thereof.

(2) Any corporation having income from business activity which is taxable both within and without this state shall allocate and apportion its net income as provided in this section.

(3) For purposes of allocation and apportionment of income under this section, a corporation is taxable in another state if, in that state it is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or corporate stock tax; or that state has jurisdiction to subject the corporation to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or corporate stock tax, regardless of whether, in fact, the state does or does not.

(4) Rents and royalties from real or tangible personal property, capital gains and losses, interest, dividends, or patent or copyright royalties, to the extent that they constitute nonbusiness income, shall be allocated as provided in subsections (5) through (8) of this section.

(5) (a) Net rents and royalties from real property located in this state are allocable to this state.

(b) Net rents and royalties from tangible personal property are allocable to this state if and to the extent that the property is utilized in this state; or in their entirety if the taxpayer's commercial domicile is in this state and the taxpayer is not organized under the laws of or taxable in the state in which the property is utilized.

(c) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or

unascertainable by the taxpayer, the tangible personalty is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

(6) (a) Capital gains and losses from sales or other dispositions of real property located in this state are allocable to this state.

(b) Capital gains and losses from sales or other dispositions of tangible personal property are allocable to this state if the property had a situs in this state at the time of the sale, or the taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs.

(c) Capital gains and losses from sales or other dispositions of intangible personal property are allocable to this state if the taxpayer's commercial domicile is in this state.

(7) Interest and dividends are allocable to this state if the taxpayer's commercial domicile is in this state.

(8) (a) Patent and copyright royalties are allocable to this state if and to the extent that the patent or copyright is utilized by the payer in this state; or if and to the extent that the patent or copyright is utilized by the payer in a state in which the taxpayer is not taxable and the taxpayer's commercial domicile is in this state.

(b) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in the state in which the taxpayer's commercial domicile is located.

(c) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in the state in which the taxpayer's commercial domicile is located.

(9) All business income shall be apportioned to this state by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three (3).

(a) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the tax period and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the tax period*; provided, however, that property which has been certified as a pollution control facility as defined in Chapter 224 of the Kentucky Revised Statutes shall be excluded from the property factor*.

1. Property owned by the taxpayer is valued at its original cost. If the original cost of any property is not determinable or is nominal or zero such property shall be valued by the department under regulations promulgated by the department. Property rented by the taxpayer is valued at eight (8) times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from sub-rentals, provided that such rental and such sub-rentals are reasonable. If the department determines that the annual rental or sub-rental rate is unreasonable, or if a nominal or zero rate is charged, the department may determine and apply such rental rate as will reasonably reflect the value of the property rented by the taxpayer.

2. The average value of property shall be determined by averaging the values at the beginning and ending of the tax period but the department may require the averaging of monthly values during the tax period if reasonably required to reflect properly the average value of the taxpayer's property.

(b) The payroll factor is a fraction, the numerator of which is the total amount paid or payable in this state during the tax period by the taxpayer for compensation, and the denominator of which is the total compensation paid or payable everywhere during the tax period. Compensation is paid or payable in this state if:

1. The individual's service is performed entirely within the state; or

2. The individual's service is performed both within and without the state, but the service performed without the state is incidental to the individual's service within the state; or

3. Some of the service is performed in the state and the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the state, or the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(c) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the tax period, and the denominator of which is the total sales of the taxpayer everywhere during the tax period. Sales of tangible personal property are in this state if:

1. The property is delivered or shipped to a purchaser, other than the United States government, or to the designee of the purchaser within this state regardless of the f.o.b. point or other conditions of the sale; or

2. The property is shipped from an office, store, warehouse, factory, or other place of storage in this state and the purchaser is the United States government or the taxpayer is not taxable in the state to which the property is delivered or shipped.

3. Sales, other than sales of tangible personal property, are in this state if the income-producing activity is performed in this state; or the income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

(10) If the allocation and apportionment provisions of this section do not fairly represent the extent of the taxpayer's business activity in this state, the taxpayer may petition for or the department may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

(a) separate accounting;

(b) the exclusion of any one or more of the factors;

(c) the inclusion of one or more additional factors which will fairly represent the taxpayer's business activity in this state; or

(d) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

(11) Public service companies and financial organizations having income from business activity which is taxable both within and without this state shall allocate such income as follows:

(a) Nonbusiness income shall be allocated to this state as provided in subsections (5) through (8) of this section.

(b) Business income shall be allocated to this state by multiplying the business income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor and the denominator of which is three (3). The payroll factor shall be determined as provided in subsection (9) (b) of this section. The property factor and sales factor shall be determined as provided by regulations promulgated by the department.

Section 5. KRS 132.200 is amended to read as follows:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school or other taxing district in which it has a taxable situs, except the classes of property described in KRS 132.030 and 132.050, and the following classes of property, which shall be subject to taxation for state purposes only:

(1) Farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operation;

(2) Livestock and domestic fowls;

(3) Capital stock of savings and loan associations;

(4) Machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plant for the purpose of manufacture. Individuals or corporations actually engaged in the printing, publication and distribution of a newspaper or operating a job printing plant shall be deemed to be actually engaged in manufacturing;

(5) Commercial radio, television and telephonic equipment directly used or associated with electronic equipment which broadcasts electronic signals to an antenna; however, radio or television towers not essential to the production of the wave or signal broadcast shall not be included;

(6) Unmanufactured agricultural products (except that the same shall be exempt from taxation for state purposes to the extent of the value, or amount, of any unpaid nonrecourse loans thereon granted by the United States government or any agency thereof), and except that cities and counties may each impose an ad valorem tax of not exceeding one and one-half cents (1 1/2) on each $100 of the fair cash value of all unmanufactured tobacco and not exceeding four and one-half cents (4 1/2) on each $100 of the fair cash value of all other unmanufactured agricultural products, subject to taxation within their limits that are not actually on hand at the plants of manufacturing concerns for the purpose of manufacture, nor in the hands of the producer or any agent of the producer to whom the products have been conveyed or assigned for the purpose of sale;

(7) Money in hand, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, and shares of stock, except that nothing in this section shall forbid local taxation of franchises of corporations or of the shares of banks, trust companies or combined banks and trust companies doing business in this state, or domestic life insurance companies.

(8) Property which has been certified as a pollution control facility as defined in Chapter 224 of the Kentucky Revised Statutes.

Section 6. A new section of KRS Chapter 224 is created to read as follows:

Any applicant or certificate holder who fails to provide the information required in Section 1 of this Act or falsifies such information shall be liable for a civil penalty of not to exceed the sum of one thousand dollars ($1,000). Such penalty shall be recoverable in an action brought in the name of the Commonwealth of Kentucky by the attorney general.

SB 182, AN ACT relating to the deposit of state funds, and making an appropriation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 136.360 is amended to read as follows:

Every stock insurer other than life doing business in this state shall pay to the department of revenue on or before the first day of March of each year, for the purpose of defraying the expenses authorized by KRS chapter 227, three-fourths of one per cent (.75%) of all amounts paid to such insurance company or its representative, whether such payments are designated as premiums or otherwise, during the previous calendar year for fire insurance and that portion of the premium reasonably allocable to insurance against the hazard of fire included in other coverages other than life and disability insurances. In computing such amounts there shall be deducted amounts refunded on policies canceled or not taken, and dividends paid or credited to policyholders. All amounts so collected shall *be deposited in the General Expenditure Fund in the State Treasury.* [constitute a fund allocated for the use of the commissioner of public safety for the purpose above specified, and any portion of such fund not used during a calendar year shall be carried forward for subsequent such use.]

Section 2. KRS 304.4-020 is amended to read as follows:

The commissioner shall promptly pay into the state treasury all fees, licenses, and charges collected by him under the provisions of KRS 304.4-010. [Such fees, licenses, and charges shall comprise a fund allocated for the use of the commissioner in the administration of this code and any portion of such fund not used during a calendar year shall be carried forward for subsequent use.]

Section 3. KRS 304.8-190 is amended to read as follows:

(1) Insurers maintaining deposits of assets in this state under this subtitle, shall pay into the treasury of the commonwealth, through the office of the commissioner of insurance, $15,000 each calendar year. [as a custodial expense fund. Such funds shall be used in paying the custodian's salary, premium on his bond and other necessary expenses incident to the office used by the custodian.]

(2) The portion of such expense fund to be paid by each such insurer shall be in the same approximate proportion as the amount such insurer had on deposit on December 31 of the preceding year bears to the total such deposits of all insurers as of December 31 of the preceding year. The commissioner shall assess each insurer for its proportionate share of such expense fund. All assessments shall be deposited with the state treasurer *to the credit of the General Expenditure Fund.* [,who shall credit the amount so deposited to the custodian of securities fund to be used for the maintenance of the office of the custodian of securities. If any amount of the fund for the maintenance of the office of the custodian remains unexpended at the end of any fiscal year, that amount shall not lapse, but shall remain credited to the custodian of securities account and may be used during any succeeding year.] The minimum charge for each insurer shall be $2.00.

Section 4. KRS 304.2-300 is amended to read as follows:

(1) [There is continued in the state treasury the "Examination Expense Revolving Fund" for the use of the department.] The commissioner shall promptly deposit *all funds received under KRS 304.2-290* with the state treasurer *to the credit of the General Expenditure Fund.* [for the credit to such fund all moneys received by him pursuant to KRS 304.2-290.]

[(2) Moneys for travel, per diem, compensation and other necessary and authorized expenses incurred by an examiner or other department representative in the examination of any person required to pay, and making payment of, the expense of examination pursuant to KRS 304.2-290 shall be paid out of the examination expense revolving fund, upon approval of the commissioner.]

[(3) If any amount in such revolving fund remains unexpended at the end of any fiscal year, that amount shall not lapse, but shall remain credited to the account and may be used during the succeeding year or years.]

Section 5. There is hereby appropriated from the General Expenditure Fund in the State Treasury to the Department the sum of $255,000 for the fiscal year 1974-75, and the sum of $255,000 for the fiscal year 1975-76 to reconcile agency receipts included in **HB 288** which are affected by the provisions of this Act.

SB 219, AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 132.810 is amended to read as follows:

(1) To qualify under the homestead exemption provision of the Constitution, each person claiming the exemption shall file an application with the property valuation administrator of the county in which the applicant resides, on forms prescribed by the Department of Revenue [by March 1 of the year in which he becomes eligible for the exemption].

(2) (a) Every person filing an application for exemption under the homestead exemption provision must be sixty-five years of age or older *during* [by January 1 of] the [first] year for which application is made.

(b) Every person filing an application for exemption under the homestead exemption provision must own and maintain the property for which the exemption is sought as his personal residence.

(c) Only one exemption per homestead shall be allowed regardless of the number of residents sixty-five years of age or older occupying said homestead.

(d) When a homestead is owned by more than one person as joint tenants, tenants by the entirety, or tenants in common, the exemption applies only when all owners are sixty-five years of age or older and the homestead is maintained as a residence of all of the owners, or the joint owner is the spouse of an eligible applicant.

(e) The renting of a room or rooms in a residence that otherwise qualifies for the homestead exemption does not constitute violation of the single unit residence restriction where such renting of rooms is merely incidental to use of the premises as a single family residence.

(f) A mobile home may qualify as a single unit residence for purposes of the homestead exemption provision provided the mobile home is classified as real property as defined in KRS 132.750.

(g) When title to property which is exempted, either in whole or in part, under the homestead exemption is transferred, the owner, administrator, executor, trustee, committee, curator or agent shall report such transfer to the property valuation administrator.

(3) Notwithstanding any statutory provisions to the contrary, the provisions of this section shall apply to the assessment and taxation of property under the homestead exemption provision for state, county, city or special district purposes.

(4) The provisions of this Act shall become effective during the 1974 taxable year and persons eligible for a homestead exemption under this Act shall file applications:

(a) Any time during the 1974 taxable year.

(b) By March 1 in any year after the 1974 taxable year.

SB 223, AN ACT relating to annuities, pension, stock bonus and profit sharing plans.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 140 is created to read as follows:

(1) There shall be excluded from taxation under KRS Chapter 140, to the extent attributable to employer's contributions, the value of an annuity or other payment receivable by any beneficiary (other than the executor or equivalent) under:

(a) an employee's trust (or under a contract purchased by an employee's trust) forming a part of a pension, stock bonus, or profit-sharing plan which, at the time of the decedent's separation from employment (whether by death or otherwise), or at the time of termination of the plan if earlier, met the requirements of Section 401(a) of the Internal Revenue Code; or

(b) a retirement annuity contract purchased by an employer (and not by an employee's trust) pursuant to a plan which, at the time of decedent's separation from employment (by death or otherwise), or at the time of termination of the plan if earlier, was a plan described in Section 403(a) of the Internal Revenue Code; or

(c) a retirement annuity contract purchased for an employee by an employer which is an organization referred to in Section 170(b)(A)(ii) or (vi) of the Internal Revenue Code, or which is a religious organization (other than a trust), and which is exempt from tax under Section 501(a) of the Internal Revenue Code; or

(d) chapter 73 of title 10 of the United States Code.

(2) If amounts payable after the death of the decedent under subsection (1) are attributable to any extent to payments or contributions made by the decedent, no exclusion shall be allowed for that part of the value of such amounts in the proportion that the total payments or contributions made by the decedent bears to the total payments or contributions made. For purposes of this subsection, contributions or payments made by the decedent's employer or former employer under a trust or plan described in paragraph (a) or (b) of subsection (1) shall not be considered to be contributed by the decedent, and contributions or payments made by the decedent's employer or former employer toward the purchase of an annuity contract described in paragraph (c) of subsection (1) shall, to the extent excludable from gross income under Section 403(b) of the

Internal Revenue Code, not be considered to be contributed by the decedent. For purposes of this subsection, contributions or payments on behalf of the decedent while he was an employee within the meaning of Section 401(c)(1) of the Internal Revenue Code made under a trust or plan described in paragraph (a) or (b) of subsection (1) shall be considered to be contributions or payments made by the decedent. For purposes of this subsection, amounts payable under chapter 73 of title 10 of the United States Code are attributable to payments or contributions made by the decedent only to the extent of amounts deposited by him pursuant to Section 1438 of such title 10. This subsection shall apply to all decedents dying after January 1, 1972.

(3) Except to the extent required by differences between KRS Chapter 140 and its application and the federal estate tax law and its application, the relevant Internal Revenue Code Regulations and the relevant administrative and judicial interpretations of the federal estate tax law shall be as nearly as practicable adopted and followed in the application of this section.

(4) For the purposes of this section the term "Internal Revenue Code" shall mean the Internal Revenue Code of 1954 as amended through 1973.

SB 255, AN ACT relating to the amount and disbursement of money to a convict upon termination of sentence or release by pardon or parole.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 197.180 is amended to read as follows:

The *bureau* [department] shall furnish each convict, upon the termination of his sentence, or his release by pardon[,] *or parole* with *not more than seventy-five dollars ($75.00)* [five dollars ($5.00)] and a suit of serviceable clothing, suitable to the season, and with transportation to the county from which he was sent. *The amount of money to be furnished to the convict shall be based upon his need as determined by the commissioner or a person designated by the commissioner in accordance with regulations of the bureau.* The transportation shall be paid by the state and shall be nontransferable.

SB 281, AN ACT making an appropriation to the Board of Ethics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated to the Board of Ethics, established pursuant to KRS 6.690, $30,000 for fiscal year 1974-75, and $30,000 for fiscal year 1975-76.

Section 2. Any unexpended balance remaining at the close of the 1974-75 fiscal year shall not lapse, but shall continue into the 1975-76 fiscal year.

The Committee on State Government reported **HB 770, HB 820, HR 42, SB 194** with Committee Amendment attached thereto, and **SB 230** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 770, AN ACT relating to notaries public.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 423.010 is amended to read as follows:

The Secretary of State may appoint as many notaries public as he deems necessary, who shall hold office for four years. Any person desiring to be appointed a notary public shall make written application to the Secretary of State. The application shall be approved by the circuit judge, circuit clerk, county judge, county clerk, justice of the peace or a member of the General Assembly of the county of the residence of the applicant. No officer shall charge or accept any fee for approving the application. A notary public must be eighteen years of age, a resident of the county from which he makes his application, of good moral character and capable of discharging the duties imposed upon him by this chapter, and the endorsement of the officer

approving the application shall so state. The Secretary of State, in his certificate of appointment to the applicant, must designate the limits within which the notary is to act. Before a notary acts, he must take an oath in the county court of his county that he will honestly and diligently discharge the duties of his office. He must in the same court give an obligation with good security for the proper discharge of the duties of his office. Every certificate of a notary public shall state the date of the expiration of his commission. The Secretary of State shall give to each notary appointed a certificate of his appointment under the seal of the Commonwealth of Kentucky in lieu of a commission heretofore required to be issued to said notary by the Governor of Kentucky, and receive *a fee of $5.00 for the certificate* [the same fee for the certificate that he now receives for attesting the commission issued by the Governor].

HB 820, AN ACT relating to horse racing.

WHEREAS, the Appaloosa horse breeding industry has grown significantly in Kentucky, attracted by the bluegrass, limestone water and Kentuckians' appreciation for fine horses; and

WHEREAS, Appaloosa racing in entry requirements and race classifications and standards leans toward the thoroughbred style of racing and its fans; and

WHEREAS, legislation is needed to allow Appaloosa racing at a thoroughbred race meeting;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 230.210 is amended to read as follows:

As used in KRS 230.210 to 230.360 unless the context requires otherwise:

(1) "Association" means any person licensed by the Kentucky state racing commission under KRS 230.300 and engaged in the conduct of a recognized thoroughbred race meeting;

(2) "Commission" means the Kentucky state racing commission;

(3) "Commissioner" means a member of the Kentucky state racing commission;

(4) "Secretary" means the secretary of the Kentucky state racing commission;

(5) "Thoroughbred race or thoroughbred racing" shall include that form of horse racing in which each horse participating in such race is a thoroughbred, (i.e., meeting the requirements of and registered with The Jockey Club of New York) and is mounted by a jockey.

(6) "Appaloosa race or Appaloosa racing" means that form of horse racing in which each horse participating in such a race is registered with the Appaloosa Horse Club of Moscow, Idaho, and is mounted by a jockey.

(7) "Thoroughbred race meeting" means horse racing run on the flat at an association licensed and regulated by the State Racing Commission, and may include both thoroughbred racing and appaloosa racing.

Section 2. KRS 230.215 is amended to read as follows:

(1) It is the policy of the commonwealth of Kentucky, in furtherance of its responsibility to foster and to encourage legitimate occupations and industries in the commonwealth and to promote and to conserve the public health, safety, and welfare, and it is hereby declared the intent of the commonwealth to foster and to encourage the thoroughbred horse breeding industry within the commonwealth and to encourage the improvement of the breed of thoroughbred horses. Further, it is the policy and intent of the commonwealth to foster and to encourage the business of legitimate thoroughbred racing with pari-mutuel wagering thereon in the commonwealth on the highest possible plane. Further, it hereby is declared the policy and intent of the commonwealth that all thoroughbred racing not licensed under KRS 230.210 to 230.360 *and appaloosa racing not licensed under KRS 230.210 to 230.360 or 230.410 to 230.447* is a public nuisance and may be enjoined as such. Further, it is hereby declared the policy and intent of the commonwealth that the conduct of thoroughbred racing *or appaloosa racing at a thoroughbred race meeting*, or the participation in any way in thoroughbred racing *or appaloosa racing at thoroughbred race meetings*, or the entrance to or presence where thoroughbred racing *and appaloosa racing* is conducted, is a privilege and not a personal right; and that this privilege may be granted or denied by the commission or its duly approved representatives acting in its behalf.

(2) It is hereby declared the purpose and intent of KRS 230.210 to 230.360 in the interest of the public health, safety, and welfare, to vest in the commission forceful control of thoroughbred racing *and appaloosa racing at thoroughbred race meetings* in the commonwealth with plenary power to prescribe rules and regulations and conditions under which all legitimate thoroughbred racing *and appaloosa racing at thoroughbred race meetings* and wagering thereon is conducted in the commonwealth so as to encourage the improvement of the breed of thoroughbreds in the commonwealth, to regulate and maintain thoroughbred racing *and appaloosa racing at thoroughbred race meetings* in the commonwealth of the highest quality and free of any corrupt, incompetent, dishonest, or unprincipled thoroughbred racing *or appaloosa racing*

practices, and to regulate and maintain thoroughbred racing *and appaloosa racing at thoroughbred race meetings* in the commonwealth so as to dissipate any cloud of association with the undesirable and maintain the appearance as well as the fact of complete honesty and integrity of thoroughbred racing *and appaloosa racing* in the commonwealth. In addition to the general powers and duties vested in the commission by KRS 230.210 to 230.360, it is the intent hereby to vest in the commission the power to eject or exclude from association grounds or any part thereof any person, licensed or unlicensed, whose conduct or reputation is such that his presence on association grounds may, in the opinion of the commission, reflect on the honesty and integrity of thoroughbred racing or interfere with the orderly conduct of thoroughbred racing *or appaloosa racing*. The power of the commission to penalize persons for violations of KRS 230.210 to 230.360 or any rule or regulation of the commission shall be limited to denial of, suspension of, revocation of, or voidance of a license to conduct or participate in thoroughbred racing *or appaloosa racing at thoroughbred race meetings*, and ejection and exclusion of persons from association grounds.

Section 3. KRS 230.260 is amended to read as follows:

The commission, in the interest of breeding or the improvement of the breed of thoroughbred horses, shall have all powers necessary and proper to carry out fully and effectually the provisions of KRS 230.210 to 230.360 including, but without limitation, the following:

(1) The commission is vested with jurisdiction and supervision over all thoroughbred race meetings in this commonwealth and over all associations and all persons on association grounds and may eject or exclude therefrom or any part thereof, any person, licensed or unlicensed, whose conduct or reputation is such that his presence on association grounds may, in the opinion of the commission, reflect on the honesty and integrity of thoroughbred racing *or appaloosa racing* or interfere with the orderly conduct of thoroughbred racing *or appaloosa racing at thoroughbred race meetings*; Provided, however, no persons shall be excluded or ejected from association grounds solely on the ground of race, color, creed, national origin, ancestry, or sex;

(2) The commission, its representatives and employes, may visit, investigate and have free access to the office, track, facilities or other places of business of any licensee for the purpose of satisfying itself that KRS 230.210 to 230.360 and its rules and regulations are strictly complied with;

(3) The commission shall have full authority to prescribe rules, regulations and conditions under which thoroughbred horse racing *and appaloosa racing at a thoroughbred race meeting* shall be conducted in this state and to fix and regulate the minimum amount of purses, stakes or awards to be offered for the conduct of any thoroughbred race meeting;

(4) Applications for licenses shall be made in the form, in the manner and contain information as the commission may, by rule, require. Fees for all licenses issued under KRS 230.310 shall be prescribed by and paid to the commission;

(5) Any of the foregoing rules, regulations and conditions may be altered, amended, repealed and published from time to time. All rules, regulations and conditions shall become effective thirty (30) days after the filing thereof with the Legislative Research Commission unless the governor finds an emergency to exist in which event the same shall become effective immediately upon filing with the Legislative Research Commission. The commission may, but shall not be required to, advertise any of its regulations either before or after filing;

(6) The commission may issue subpoenas for the attendance of witnesses before it and administer oaths to such witnesses whenever, in the judgment of the commission, it is necessary to do so for the effectual discharge of its duties. Any person failing to appear before the commission at the time and place specified in said summons, or refusing to testify, shall be deemed guilty of a misdemeanor and upon conviction by a court of competent jurisdiction shall be punished by a fine of not more than one thousand dollars ($1,000) or by imprisonment for not more than six (6) months, or both. False swearing on the part of any witness shall be deemed perjury and punished as such.

(7) The commission shall have authority to compel any racing association licensed under KRS 230.210 to 230.360 to file with the commission at the end of its fiscal year, a balance sheet, showing assets and liabilities, and an earnings statement, together with a list of its stockholders or other persons holding a beneficial interest in the association.

Section 4. KRS 230.300 is amended to read as follows:

(1) Any person desiring to conduct thoroughbred racing *and appaloosa racing at a thoroughbred race meeting* within the commonwealth of Kentucky during any calendar year shall first apply to the commission for a license to do so. The application shall be filed at the commission's general office on or before a day fixed by the commission. The application shall specify the location of the track and the days on which racing is desired to be conducted or held and shall be in the form and contain such other information and data as the commission may, by rule require.

(2) The commission shall as soon as practicable, but in no event later than March 1 in any calendar year award dates for racing in the commonwealth during the year. In the event scheduled racing is canceled by reason of flood, fire, or inclement weather, the commission may award after March 1 additional racing dates to make up for those dates canceled by such flood, fire, or inclement weather. The commission may

issue such license to conduct a thoroughbred race meeting to any association making the aforesaid application if the commission finds that the proposed conduct of racing by such association would be in the best interest of the public health, safety, and welfare of the immediate community as well as to the commonwealth, and if by reason of financial stability, track location, traffic flow, facilities for the public, facilities for racing participants and horses, character and reputation for honesty of all persons identified with the association, competence of proposed racing officials and association employes, absence of conflict with other race meetings in time and patronage area, sentiment of the community in which such association proposes to conduct a race meeting, and capability to comply with the rules and rulings of the commission, the licensing of such association would serve to nurture, promote, develop, or improve the thoroughbred industry in the commonwealth. As a condition precedent to the issuance of such license, the commission may require a surety bond or other surety conditioned upon the payment of all taxes due the commonwealth, together with the payment of operating expenses including purses and awards to owners of horses participating in races.

(3) Every license issued under KRS 230.210 to 230.360 shall specify among other things the name of the person to whom issued, the address and location of the track where the thoroughbred race meeting to which it relates is to be held or conducted, and the days and hours of the day when the meeting will be permitted.

(4) A license issued under this section is neither transferable nor assignable and shall not permit the conduct of a thoroughbred race meeting at any track not specified therein. However, if the track specified becomes unsuitable for thoroughbred racing *or appaloosa racing* because of flood, fire or other catastrophe, the commission may, upon application, authorize the meeting, or any remaining portion thereof, to be conducted at any other suitable track available for that purpose, provided that the owner of such track willingly consents to the use thereof.

(5) Thoroughbred racing dates may be awarded and licenses issued authorizing thoroughbred racing *and appaloosa racing at a thoroughbred race meeting* on any day of the year except Sundays. No thoroughbred racing *or appaloosa racing at thoroughbred race meetings* shall be held or conducted on any Sunday. Thoroughbred racing *or appaloosa racing at thoroughbred race meetings* shall be held or conducted only between sunrise and midnight.

(6) The commission may at any time require the removal of any official or employe of any association in those instances where it has reason to believe that the official or employe has been guilty of any dishonest practice in connection with thoroughbred racing *or appaloosa racing at a thoroughbred race meeting* or has failed to comply with any condition of his license or has violated any law or any rule or regulation of this commission.

(7) Every thoroughbred race not licensed under this section *or appaloosa race not licensed by this section or KRS 230.410 to 230.447* is hereby declared to be a public nuisance and the commission may obtain an injunction against the same in the circuit court of the county where the unlicensed race is proposed to take place.

Section 5. KRS 230.310 is amended to read as follows:

Every person not required to be licensed under KRS 230.300 who desires to participate in thoroughbred racing *or appaloosa racing at a thoroughbred race meeting* in the commonwealth as a horse owner, trainer, jockey, apprentice jockey, agent, stable employe, racing official, association employe, or employe of a person or concern contracting with the association to provide a service or commodity and which requires their presence on association grounds during a race meeting, or veterinarian, farrier, horse dentist, or supplier of food, tack, medication, or horse feed, shall first apply to the commission for a license to participate in such activity on association grounds during a race meeting. No person required to be licensed by this section may participate in any activity required to be licensed on association grounds during a race meeting without a valid license therefor. The commission may issue a license if it finds that the financial responsibility, age, experience, reputation, competence, and general fitness of the applicant to perform the activity permitted by a license, are consistent with the best interest of racing and the maintenance of the honesty, integrity, and high quality thereof. Such license shall be issued for the calendar year in which it is issued and may be renewed by the commission. The license shall be valid at all thoroughbred race meetings in the commonwealth during the period for which it is issued unless suspended or revoked under the rules and regulations prescribed by the commission under this chapter.

Section 6. KRS 230.320 is amended to read as follows:

(1) Every license granted under KRS 230.210 to 230.360 is subject to revocation or suspension by the commission in any case where it has reason to believe that any provision of KRS 230.210 to 230.360 or rule, regulation or condition of the commission affecting it has not been complied with or has been broken or violated. The commission in the interest of honesty and integrity of thoroughbred horse racing *and appaloosa horse racing* may prescribe rules and regulations under which any license may be denied, suspended or revoked.

(2) If any license is denied, suspended or revoked the commission shall state publicly its reasons for the suspension or revocation and shall cause an entry of such reasons to be made on its record book. The action

of the commission in denying, suspending or revoking any license issued under KRS 230.210 to 230.360 is final except that such action is subject to review by any court of competent jurisdiction. The action of the commission shall remain in full force and effect until reversed or modified by a valid order of such court.

Section 7. KRS 230.340 is amended to read as follows:

(1) The commission shall adopt rules governing and regulating mutuel wagering on thoroughbred races *and Appaloosa races at a thoroughbred race meeting* under what is known as the pari-mutuel system of wagering. Such wagering shall be conducted only by a person licensed under KRS 230.210 to 230.360 to conduct a thoroughbred race meeting and only upon the licensed premises and on the dates and hours for which racing has been authorized by the commission. The pari-mutuel system of wagering shall be operated only by a totalizator or other mechanical equipment approved by the commission. The commission shall not require any particular make of equipment.

(2) In no event shall the operation of a pari-mutuel system for betting where authorized by law constitute grounds for the revocation or suspension of any license issued and held under KRS 230.350.

(3) All reported but unclaimed pari-mutuel winning tickets held in this state by any person or association operating a pari-mutuel or similar system of betting at thoroughbred race meetings shall be presumed abandoned within the meaning of KRS chapter 393, if not claimed by the person entitled thereto within two (2) years from the time the ticket became payable.

Section 8. KRS 230.360 is amended to read as follows:

(1) KRS 230.210 to 230.360 are not applicable to trotting or pacing meets or races conducted in this state *nor to Appaloosa racing and quarter horse racing licensed under KRS 230.410 to 230.447.*

(2) The provisions of KRS 230.210 to 230.360 are intended to be statewide and exclusive in their effect and no city, county or other political subdivision of state government shall have the power or authority to make or enforce any local laws, ordinances or regulations on the subject of thoroughbred race meetings. Any person licensed under KRS 230.300 shall continue to pay, or be responsible for the payment of, all state taxes presently imposed by law, including but without limitation, license taxes imposed under KRS 137.170 to 137.190, and KRS 137.990 together with admission taxes imposed by KRS 138.480 to 138.490, and the pari-mutuel taxes imposed by KRS 138.510 to 138.550, and all state, as well as local, ad valorem taxes; Provided, however, no tax shall be imposed by the state or any subdivision thereof upon, or measured by, that portion of the excise tax imposed upon pari-mutuel betting at running and trotting horse race tracks which is collected and retained by the operators thereof under the provisions of KRS 138.510 to 138.550, both inclusive.

Section 9. KRS 230.420 is amended to read as follows:

(1) The commission may prescribe the regulations and conditions under which quarter horse or Appaloosa races *other than Appaloosa races conducted at thoroughbred race meetings* shall be conducted in this state.

(2) An association desiring to conduct quarter horse or Appaloosa races may annually apply to the commission for a license. If in the judgment of the commission a proper case for issuance is shown, it may grant the license for a term of one year. Every license shall contain a condition that all quarter horse or Appaloosa races or meetings conducted under it shall be subject to the regulations and conditions from time to time prescribed by the commission.

(3) A license shall be revocable by the commission for any violation of it or whenever the continuance of the license is deemed by the commission not conducive to the interests of legitimate racing. If a license is refused or revoked, the commission shall publicly state its reasons for the refusal or revocation and those reasons shall be written in full in the minute book of the commission, which shall at all times be subject to inspection by anyone desiring to inspect it. A refusal of the commission to grant to any quarter horse or Appaloosa association a license, or to assign any quarter horse or Appaloosa association at least forty days in each year, if desired for quarter horse or Appaloosa races or meetings at the track of the association, and the revocation of the license of any association shall be subject to judicial review.

Section 10. KRS 230.423 is amended to read as follows:

(1) No quarter horse or Appaloosa race *other than an Appaloosa race conducted at a thoroughbred race meeting licensed by the State Racing Commission* shall be conducted except at an association licensed by the Commission.

(2) No person shall operate or participate in any quarter horse or Appaloosa race meeting at which quarter horse or Appaloosa racing *other than Appaloosa racing conducted at a thoroughbred meeting licensed by the State Racing Commission* is permitted for a prize or stake, unless the race meeting has been licensed under KRS 230.410 to 230.447.

(3) Every quarter horse or Appaloosa race not licensed under KRS 230.410 to 230.447 *or 230.210 to 230.360* is a public nuisance, and the Commission may obtain an injunction against it on the circuit court of the county where the unlicensed race is proposed to take place.

Section 11. KRS 230.447 is amended to read as follows:

(1) The commission shall adopt rules governing and regulating mutuel wagering on quarter horse or Appaloosa races *licensed under the provisions of KRS 230.410 to 230.447* under what is known as the pari-mutuel system of wagering. Such wagering shall be conducted only by a person licensed under KRS 230.410 to 230.447 to conduct a quarter horse or Appaloosa race meeting and only upon the licensed premises and on the dates and hours for which racing has been authorized by the commission. The pari-mutuel system of wagering shall be operated only by a totalizator or other mechanical equipment approved by the commission. The commission shall not require any particular make of equipment.

(2) In no event shall the operation of a pari-mutuel system for betting where authorized by law constitute grounds for the revocation or suspension of any license issued and held under KRS 230.410 to 230.447.

(3) All reported but unclaimed pari-mutuel winning tickets held in this state by any person or association operating a pari-mutuel or similar system of betting at quarter horse race meetings shall be presumed abandoned within the meaning of KRS Chapter 393, if not claimed by the person entitled thereto within two years from the time the ticket became payable.

HR 42, A JOINT RESOLUTION designating Lillie Chaffin as an Associate Poet Laureate.

WHEREAS, the Commonwealth of Kentucky has a rich heritage of contributions to the realm of American literature, and

WHEREAS, the basis of this heritage is the fine support the Commonwealth has provided for its artists, and

WHEREAS, Lillie Chaffin, poet-in-residence at Pikeville College, has further advanced the fame of Kentucky art through her prodigious works in children's literature, some of which have been adapted for use by the award-winning, nationally-broadcast children's television program, Sesame Street,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Lillie D. Chaffin, Box 42, Meta Station, Pikeville, Kentucky, be designated as Associate Poet Laureate for the Commonwealth of Kentucky.

SB 194, AN ACT relating to the Legislative Research Commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 7.090 is amended to read as follows:

(1) There is hereby created a legislative research commission composed of [the lieutenant governor,] the president pro tem of the senate, *the assistant president pro tem of the senate,* the speaker of the house of representatives, the speaker pro tempore of the house of representatives, the majority and minority floor leaders of the senate and the house of representatives, the majority and minority party whip of the senate, the majority and minority party whip of the house, and the majority and minority caucus chairmen of the senate and house of representatives. Any vacancy in the commission shall be filled by the remaining members thereof, Provided, if the vacancy is in the membership of the house of representatives then the successor shall be from the house, and if the vacancy is from the senate membership of the commission then the successor shall be from the senate. A member thus elected to fill any vacancy shall hold office for the unexpired term of his predecessor. *The president pro tem of the senate and the speaker of the house of representatives shall serve as co-chairmen of the commission and each shall preside at regular and special meetings of the commission during alternate calendar years commencing with the effective date of this Act.* [The lieutenant governor shall be ex-officio chairman of the commission.]

(2) The legislative research commission shall meet during regular and special sessions of the general assembly, and during the intervals between sessions at such times and places as the *co-chairmen* [chairman] may determine. Meetings of the commission shall be called by the *co-chairmen* [chairman] on *their* [his] own initiative, or at the written request of any three (3) members of the commission. For attending meetings between sessions, whether regular or special, of the general assembly, the members of the commission, or any subcommittee thereof, shall be paid their necessary traveling expenses and in addition thereto twenty-five dollars ($25.00) per day *except as provided in KRS 6.225.*

(3) The commission shall appoint a director, who shall have had graduate training in government in a recognized university or college or practical experience in governmental administration, and who shall hold office at the pleasure of the commission. The salary of the director shall be determined by the commission. The commission shall have exclusive jurisdiction over the employment of such personnel as may be necessary to effectuate the provisions of KRS 7.090 to 7.110.

(4) Any professional, clerical or other employes required by any committee appointed by the general assembly shall be provided to the committee by the legislative research commission. The chairman of the committee shall advise the director of the legislative research commission of his need for such personnel. In the event that the personnel required by any committee cannot be met by the staff of the legislative research commission, the director shall employ such personnel as necessary to meet the needs of the committee, and shall fix the rate of compensation of such employes.

(5) The director shall, at the discretion of the commission and under its supervision and control, provide for the allocation of the work and activities of all employes of the commission.

(6) The commission may, in effectuating the provisions of KRS 7.090 to 7.110, contract with any public or private agency or educational institution or any individual for research studies, the gathering of information or the printing and publication of its reports.

Section 2. KRS 6.225 is amended to read as follows:

Between sessions of the general assembly [an] offices shall be maintained in the State Capitol Building for the use and benefit of *the president pro tem of the senate and* the speaker of the house of representatives. Except when the general assembly is in session *the president pro tem of the senate and* the speaker of the house of representatives shall *each* receive *fifty dollars ($50.00)* [twenty-five dollars $25.00)] per day for each day *they are* [he is] engaged in the duties of *their* [his] offices and shall be reimbursed for necessary traveling expenses.

Section 3. This Act shall become effective December 9, 1975, or upon the date on which the office of Lieutenant Governor shall be vacated, whichever shall first occur.

The Committee Amendment to **SB 194** is as follows:

Amend printed copy of Senate Bill 194 on page 2, line 2, by adding a period "." after the word *"commission"* and deleting the words *"and each shall preside at regular and"*;

and on page 2, by deleting lines 3 and 4 in their entirety;

and on page 2, on line 5, by deleting *"Act."*;

and on page 4, line 10, by deleting the words *"office of Lieu-"* and substituting in lieu thereof the words *"office of Governor"*;

and on page 4, line 11, by deleting the words *"tenant Governor"*.

SB 230, AN ACT relating to deferred compensation for public employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new chapter of the KRS to be numbered Chapter 18B and entitled "Public Employees Deferred Compensation Plans" is hereby established.

Section 2. A section in KRS Chapter 18B is created to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Employe" means a person holding an office, position or employment in state government and agencies thereof and also includes persons in the public school system.

(b) "Income" means earnings of a person while an employe of the state and agencies thereof or public school system.

(c) "Asset" means any owned physical object or right having a monetary value.

(d) "Trust Fund" means a fund consisting of assets received and held by a government unit or its designated custodian to be expended or invested in accordance with conditions of the trust.

(e) "Deferred compensation" means a method which allows employes to authorize income to be deducted from their current earning and set aside to be paid at a later date.

(f) "Board" means the Board of Trustees as established by Section 5 of this Act.

Section 3. A section in KRS Chapter 18B is created to read as follows:

The Kentucky Public Employees Deferred Compensation System is established pursuant to the provisions of this Act and shall transact all of its business and shall have the powers and privileges of a corporation.

Section 4. A section in KRS Chapter 18B is created to read as follows:

A state fund hereby authorized, called "The Kentucky State Public Employees Deferred Compensation Trust Fund," which shall consist of all of the assets of the system as set forth in this Act.

Section 5. A section in KRS Chapter 18B is created to read as follows:

(1) The system shall be administered by a board of trustees composed of five (5) members, who shall be as follows:

(a) commissioner of insurance, ex officio

(b) commissioner, executive department for finance and administration, ex officio

(c) commissioner of personnel, ex officio

(d) Two members appointed by the Governor of the Commonwealth.

(2) The members of the board appointed by the governor shall serve for a period of four (4) years and the ex officio members of the board shall serve only for the period of their term of office.

(3) Any vacancy which may occur, shall be filled in the same manner provided for the selection of the particular member for a full term. Vacancies shall be filled for the unexpired term only.

(4) Membership on the board of trustees shall not be incompatible with any other office unless a Constitutional incompatibility exists, and no member shall be subject to removal from office except upon conviction of a felony, or of a misdemeanor involving moral turpitude.

(5) Board members who do not otherwise receive a salary or compensation from the state treasury shall receive a per diem of $45 for each day they are in session or on official duty, and they shall be reimbursed for their actual and necessary expenses in accordance with normal state regulations and standards.

(6) The board shall meet at least once in each quarter of the year, and may meet in special session upon the call of the chairman. It shall elect a chairman and a vice-chairman. A majority of the members shall constitute a quorum, and all actions taken by the board shall be by affirmative vote of a majority of the members present.

(7) The board may, but is not limited to the following actions:

(a) Appoint or contract for the services of an executive secretary as provided in KRS 12.050 and fix his compensation. The executive secretary shall be the chief administrative officer of the Board;

(b) Appoint such other employees as it deems necessary and fix the compensation for all employees of the board, subject to the approval of the commissioner of personnel;

(c) Require such employees as it thinks proper to execute bonds for the faithful performance of their duties;

(d) Establish a system of accounting;

(e) Contract for such services as may be necessary for the operation or administration of deferred compensation plans authorized in this Act, including annual audits;

(f) Do all things, take all actions and make all rules and regulations, not inconsistent with the provisions of this Act.

(8) All employees of said board shall serve during its will and pleasure.

(9) The Attorney General, or an assistant designated by him, may act as legal adviser and attorney for the board. The board may also appoint legal counsel in accordance with KRS Chapter 12.

(10) The board shall prepare an annual financial report showing all receipts, disbursements, assets and liabilities and shall submit a copy to the Governor and Legislative Research Commission All Board meetings and records shall be open for inspection by the public.

Section 6. A section in KRS Chapter 18B is created to read as follows:

Subject to the approval of the board of trustees of the Kentucky State Public Employees Deferred Compensation System, the executive department for finance and administration shall establish a deferred compensation plan for the employees of the State of Kentucky. Participation in such plan shall be by a specific written agreement between such employees and the State and shall provide for the deferral of such amount of compensation as requested by the employee. Participating employees must authorize that such deductions be made from their wages for the purpose of participation in such program.

Section 7. A section in KRS Chapter 18B is created to read as follows:

Notwithstanding any other provision of this Act, funds held for the State of Kentucky Public Employees Deferred Compensation Trust Fund pursuant to written deferred compensation agreement between the State and participating employees, may be invested, in such investments as are deemed appropriate by the trustees including, but not limited to annuity contracts.

Section 8. A section in KRS Chapter 18B is created to read as follows:

Such a deferred compensation program shall be in addition to any retirement or any other benefit program provided by law for employees of this state. Any income deferred under such a plan shall continue to be included as regular compensation for the purpose of computing the retirement and pension benefits earned by any employee. But, any sum so deducted shall not be included in the computation of any income taxes withheld on behalf of any such employee.

Section 9. A section in KRS Chapter 18B is created to read as follows:

In no case shall such investment be other than permitted by this Act and not prohibited by Section 177 of the Kentucky Constitution and must be offered by such persons or companies authorized and duly licensed by the State of Kentucky and applicable federal regulatory agencies to offer such insurance or investment programs in compliance with all revelant provisions of this code.

Section 10. A section in KRS Chapter 18B is created to read as follows:

(1) Any city, county, or other political subdivision or combination of these entities may establish for its employees a deferred compensation program. Participation shall be by written agreement between such employees and the legislative authority of the city, county, or other political subdivision providing for the deferral of such compensation and the subsequent investment and administration of such funds.

(2) Such subdivision, acting through its legislative authority, may appoint such agency or department as it deems appropriate to establish and administer a deferred compensation plan pursuant to this Act. For purposes of funding such agreements between the city, county, or other such political subdivision and the participating employees, the agency or department as designated by the legislative authority to establish and administer such plans, may invest such funds in such investments deemed appropriate by said agency or department, including, but not limited to annuity contracts.

(3) In no case shall such investment be other than permitted by this Act and not prohibited by Section 179 of the Kentucky Constitution and must be offered by such persons or companies authorized and duly licensed by the State of Kentucky and applicable federal regulatory agencies to offer such insurance or investment programs in compliance with all revelant provisions of this Act.

(4) Such a deferred compensation program is in addition to any retirement or pension system or any other benefit program provided by law for employees of the city, county, or other political subdivision. Any income deferred under such a plan shall continue to be included as regular compensation for the purpose of computing the retirement and pension benefits earned by any employee but any sum so deducted shall not be included in the computation of any income taxes withheld for any such employee.

(5) This section does not limit the power or authority of any municipal corporation or other political subdivision to provide other such plans, or programs for deferring compensation of their officials and employees.

Section 11. A section of KRS Chapter 18B is created to read as follows:

The State Treasurer shall be the custodian of the funds collected under Section 3 of this Act and shall upon warrants issued by the executive department for finance and administration pay to the board the amounts so collected to be administered as provided in this Act. The treasurer of the local unit of government shall likewise be the custodian of any funds created by Section 10 and shall pay to the board the amounts so collected to be administered as provided in this Act.

The Committee on Counties and Special Districts reported **HB 607, HB 793** with Committee Amendment attached thereto, **HB 799,** and **SB 143** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 607, AN ACT relating to clerks' fees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 64.010 is amended to read as follows:

The clerk of the Court of Appeals and the clerks of circuit courts and county courts, as far as the same will apply, shall receive for the following services the following fees:

Issuing summons	$1.00
Each copy thereof	.50
Entering return thereon	.50
Issuing order of attachment	1.00
Each copy thereof	.50

Entering return thereon ----------.50
Issuing order of injunction ----------1.00
Each copy thereof ----------.50
Entering return thereon ----------.50
Issuing subpoena ----------1.00
(All of the witnesses living in the same county ordered to be summoned at the same time shall be included in one subpoena, and the fee therefor shall not be increased.)
Issuing attachment for a witness ----------$1.00
Issuing order of arrest ----------1.00
Each copy thereof ----------.50
Entering return thereon ----------.50
Issuing order of delivery ----------1.00
Each copy thereof ----------.50
Entering return thereon ----------.50
Issuing each writ of possession ----------2.00
Docketing an action, motion or proceeding ----------.50
Order assigning cases to a division of court ----------1.00
Warning order by clerk ----------1.00
Order of clerk appointing warning order attorney ----------1.00
Issuing a rule ----------1.00
Each copy thereof ----------.50
Filing return on rule ----------.50
Indorsing each step taken in an action on a "step sheet" or envelope in the file or on the rule docket ----------.50
Filing a pleading ----------.75
Filing each exhibit or other paper not a pleading ----------.50
Swearing, entering attendance and issuing certificates of attendance of witnesses, each witness ----------.50
Each commission to take deposition ----------2.00
Filing a deposition, to be charged but once in each case, and all those contained in one envelope to be counted as one ----------.75
Taking a recognizance of a party or witness ----------1.00
Entering or noting of record in order book each order or direction of the court, an order filing any pleading or other paper, each motion, demurrer, disposition thereof or ruling of the court or any other step taken, each ----------1.00
Copy thereof ----------.50
Attendance in court, upon each trial of an action, to be charged to each party for each trial ----------2.00
Attending by himself or by deputy and keeping order in the circuit court, to be paid out of the state treasury, for each day ----------6.00
Swearing a jury ----------1.00
Entering a judgment (other than equity action) ----------2.00
Each copy thereof ----------1.00
Entering or recording a judgment in an equity action, for every ten (10) words ----------.05
Taxation of costs of each party, to be charged to such party ----------1.50
Each copy of a taxation of costs or each party, if called for ----------.75
Filing copy of costs taxed in the case file ----------.50
Issuing an execution, with all indorsements thereon ----------2.00
Each copy of an execution with all indorsements thereon ----------1.25
Recording an execution with indorsements, returns and all papers therewith, when real estate is sold, each ten (10) words ----------.05

Copying a record for Court of Appeals or other purpose, each ten (10) words ----------.05
Issuing a supersedeas ----------1.50
Each copy thereof ----------.50
Entering return thereon ----------.50
Filing each transcript on appeal ----------.50
Entering satisfaction, release, or discharge of a judgment in whole or in part in court or on an order book, to be paid by the party procuring the same ----------1.00
Copying a pleading or other paper, each ten (10) words ----------.05
Indexing in plaintiff's and defendant's general index to suits, each name of parties to an action, to be charged for each listing and once in each case ----------.50
Indexing in defendant's index of executions of each name of parties to such execution, to be charged for each listing and for each execution issued ----------.50
Indexing in plaintiff's and defendant's index of judgments and orders of each name of parties to a judgment and order, to be charged for each listing and for each judgment and order ----------.50
Each order made by the clerk in vacation or made by the clerk when the court is not in vacation ----------1.00
Each order in the county court ----------1.00
Each copy thereof when ordered ----------1.00
Probate of a will and certificate, including all services relating thereto ----------2.00
Order granting an administration, or appointing appraisers of estate of any fiduciary ----------1.00
Taking a bond for any fiduciary ----------2.00
Certificate of administration or copy of it ----------.75
Issuing a writ of idiocy or lunacy ----------1.50
Recording each inquisition under same ----------1.50
Each copy of such inquisition when ordered ----------1.50
Recording deed of trust or assignment for the benefit of creditors ----------3.50
Copy and certification of same when ordered ----------3.50
Taking bonds required of the trustee or trustees in such cases, and including all services connected with it ----------3.20
Recording inventories required to be filed by the trustees, for every twenty (20) words ----------.05
Each official certificate ----------1.50
Each bond required to be taken or prepared by the clerk ----------2.00
Taking a bond where no fee is fixed specially by law ----------2.00
Copy of any bond when ordered ----------1.50
Recording a bond, each bond ----------2.00
Receiving the acknowledgment or proof of any deed, mortgage or agreement, power of attorney, or other written instrument required by law to be done and certifying same ----------1.25
Recording powers of attorney, agreements, allotments of dower, division of land, wills, inventories, sale bills, settlements of fiduciary accounts, and certificates thereof, for every twenty words, or fraction thereof with minimum of two dollars ($2.00) ----------.06
Recording any report of a commissioner, surveyor, assignee, trustee, receiver, administrator, executor, guardian or other official or person, each ten words with minimum of one dollar ($1.00) ----------.05
Taking the acknowledgment or proof of a deed of real estate, certifying and recording the same and recording his own certificate, provided

the entire record thereof does not exceed *three pages* [twelve hundred (1200) words] ---- *4.50* [3.50]
Exceeding three pages, for each page [All over twelve hundred (1200) words, every twenty (20) words] ---- *1.50* [.05]
Each additional certificate ---- .40
Each additional tract embraced in such deed, except town lots ---- .40
Copy of deed and certificate thereon ---- 3.50
Recording the conveyance of personal or chattel property, taking the acknowledgment or proof thereof, and recording the orders and certificates, including the whole services ---- 2.50
Each copy thereof ---- 2.00
Recording a mortgage of real estate, certificates, and all services connected with the same, provided the entire record thereof does not exceed twelve hundred (1200) words ---- 3.50
All over twelve hundred (1200) words, for every twenty (20) words ---- .05
Copy of same ---- 3.00
Noting release of any lien, mortgage or redemption other than a deed of release ---- *1.50* [.75]
Receiving the acknowledgment, recording and certifying each deed of release of a mortgage or lien ---- *3.50* [2.25]
Copying courses and distance of any deed, for each tract when demanded ---- .40
Recording plat laid down in the allotment of dower or division of land, for each tract thereof ---- .40
Recording or copying a plat or map of land, each lot ---- .40
Making a record for the establishment of a city, recording the plan or plat thereof, and all other services incident ---- 6.75
Recording survey of a city, or any part thereof, or any addition to or extension of the boundary of a city ---- 6.75
Every order concerning the establishment, changing, closing or discontinuing of roads, to be paid out of the county levy when the road is established, changed, closed or discontinued, and by the applicant when it is not ---- 1.00
Each order appointing a surveyor of road ---- 1.00
Each copy thereof ---- 1.00
(The last two (2) named to be paid out of the county levy.)
Each order in proceedings for private passways, to be paid by applicant ---- 1.00
Each copy of same, to be paid by applicant when ordered ---- 1.00
Each report of list of surveyors of roads made and furnished to the grand jury, to be paid out of the county levy ---- 2.50
Copying a surveyor's report, for every twenty (20) words or fraction thereof ---- .05
Administering an oath and certificate thereof ---- 1.00
Issuing license for which no other fee is fixed by law ---- 1.50
Marriage license, bond, certificate and recording ---- 3.50
Each order and certificate allowing any claim against the county treasurer or state treasurer, where the claim exceeds five dollars ($5.00), to be paid by the claimant ---- .70
Recording post notice of an estray, waifboat or wreck, and advertising same ---- 1.00

For filing, indexing and furnishing filing data for an original or continuation financing statement ----------3.00
For filing and indexing a financing termination statement and sending or delivering the original financing statement ----------.75
For filing, indexing and furnishing filing data about an assignment of a financing statement ----------.75
For filing and noting a statement of release of collateral under a financing statement ----------.75

Section 2. KRS 186.045 is amended to read as follows:

(1) Financing statements relating to vehicles required to be registered in Kentucky by the county clerk shall be filed in the office of the county clerk of the county in which the debtor resides or, if the debtor is a nonresident, in the office of the county clerk in which the vehicle is principally operated.

(2) (a) Whenever a financing statement required by KRS Chapter 355 relating to any vehicle registered or required to be registered in Kentucky for use on the highway is presented to a county clerk for filing, such clerk shall also immediately note information required by the department relative thereto on the owner's copy of the registration or transfer receipt issued for the current registration period as noted in subsection (2) of KRS 186.170, which the secured party must obtain and present to the county clerk, along with the financing statement, within ten days after execution of the security agreement. The clerk shall also note such information on the clerk's copy of the registration or transfer receipt maintained in his office in numerical order. The clerk noting the information on the owner's copy of the registration or transfer receipt shall return such receipt to the owner within five days after making such notation. For filing the financing statement, the clerk shall collect a fee of *four* [three] dollars *($4.00)* [and seventy-five cents] from the secured party and, in addition, for noting the security interest on the required receipts, the clerk shall collect from the secured party a fee of *one dollar ($1.00)* [eighty-five cents] for each motor vehicle included on the financing statement.

(b) Whenever a financing statement affecting a vehicle is presented to a county clerk for filing in any county other than the one in which the current receipt was issued, the county clerk shall, in addition to the other requirements of this section, mail a notice of the security interest on a form furnished by the department to the clerk of the county in which the current receipt was issued. Upon receipt of said notice, the county clerk shall attach it to the copy of the current receipt on file, maintained in numerical order, in the county clerk's office and note the security interest on the clerk's copy of the receipt.

(3) For failure to present both the current receipt and financing statement within the time prescribed by subsection (2) (a), the secured party shall pay a penalty of two dollars ($2.00) to the county clerk as a prerequisite for noting the security interest on the current receipt. The penalty, less the county clerk's commission of five per cent (5%), shall be remitted to the department.

(4) Whenever a perfected security interest is assigned, the assignor shall immediately give a statement of assignment to the assignee and at the same time deliver another copy of such statement to the debtor. The assignee shall, within thirty (30) days thereafter, present a copy of the statement of assignment to the county clerk in whose office the financing statement is on file. Upon receipt of the assignment, the county clerk shall mark the same as provided in subsection (2) of KRS 355.9-405 and attach it to the original financing statement. For this service the county clerk shall collect a fee of seventy-five cents (75) from the assignee.

(5) Whenever a security interest has been discharged, other than by proceedings under KRS 355.9-501 through 355.9-507 or similar proceedings, the secured party shall, within fifteen (15) days thereafter, deliver a termination statement in the manner required by KRS 355.9-404 to the county clerk of the county in which the financing statement is filed. For failure to file the termination statement within the allowable time, the secured party shall be subject to the penalty provided in KRS 186.990 (1). Within five (5) days after the receipt of such documents, the county clerk shall note the filing in the index and, in addition, note on the clerk's copy of the current receipt maintained in his office in numerical order, in language prescribed by the department that the termination statement has been filed. Upon presentation of the owner's copy of the receipt showing such security interest, the clerk shall also note on such receipt that the termination statement has been filed and place the seal of the county clerk thereon. The clerk shall return the owner's receipt to the owner. The county clerk shall remove the financing statement from his files, mark "terminated" thereon and send or deliver it to the secured party along with any continuation statement, statement of assignment or statement of release pertaining thereto. The county clerk shall then file the termination statement in the place from which the financing statement was removed. Termination statements must be retained in the clerk's files for a period of two (2) years subsequent to the date of filing such statement, at which time they may be destroyed. No fee shall be collected for these services by the clerk. Once a security interest has been noted on the owner's copy of a registration or transfer receipt, no subsequent registration or transfer receipt may be issued by any county clerk free of such notation unless the owner's copy of the current receipt is presented to the clerk and it has noted thereon by the proper county clerk that the termination statement therefor has been

filed. If this requirement is met, information relating to any security interest shown on the receipt as having been terminated may be omitted from the receipt to be issued by the clerk.

(6) Whenever any secured party repossesses a vehicle registered with a county clerk, for which a financing statement has been filed, and disposes of such vehicle pursuant to the provisions of KRS chapter 355, he must present, within fifteen (15) days after such disposition, an affidavit in form prescribed by the department and a termination statement or proof that such termination statement has been filed. The new owner shall pay all applicable fees for registering and transferring the vehicle to the county clerk. Upon receipt of such documents, the county clerk who issued the current receipt shall then omit from the registration or transfer receipt he issues, any information relating to the security interest under which the vehicle was repossessed or any security interest subordinate thereto. However, any security interest, as shown by such clerk's copy of the current receipt, which is superior to the one under which the vehicle was repossessed, must be shown on the receipt issued by the clerk unless the prior secured party has terminated such security interest in such clerk's office or proof of termination is submitted in case such prior security interest was discharged in another clerk's office.

(7) Whenever any vehicle brought into this state is required to be registered with a county clerk and such vehicle is then subject to a security interest in another state as shown by the out of state documents presented to the clerk, the county clerk is prohibited from registering the vehicle unless the owner obtains from the secured party a financing statement and presents same to the clerk along with all fees due. Such a financing statement must conform to the requirements of subsection (3) of KRS 355.9-402. The clerk shall note the out of state security interest on the new registration receipt and on the clerk's copy thereof. This provision does not apply to vehicles required to be registered in Kentucky under forced registration provisions under KRS 186.145. The penalty provided in subsection (3) of this section shall not apply to this subsection.

(8) The fees provided for in this section are in addition to any state fee provided for by law.

(9) Any person violating any provision of this section or any person refusing to surrender a registration or transfer certificate upon request of any person entitled thereto, is subject to the penalties provided in subsection (1) of KRS 186.990.

(10) The county clerk is prohibited from filing any financing statement on any vehicle subject to the provisions of this section if a registration or transfer receipt therefor is presented to him which has all the spaces provided thereon for noting security interests fully exhausted. The owner must see to it that a termination statement is filed for each discharged security interest and then a duplicate receipt as provided for in KRS 186.180 must be obtained from the clerk by the owner of the vehicle.

(11) Security interests in vehicles sold to or owned by residents of other states must be perfected in the state of such nonresident and repossession of the vehicle must be taken pursuant to the laws of such state, unless the vehicle is principally operated in Kentucky and is properly registered herein under KRS 186.020 and the security interest is authorized to be filed with the county clerk under KRS 355.9-401. However, a security interest on any vehicle which is not used on the public highways and for that reason is not required to be registered for highway use may be filed with the county clerk as otherwise permitted under KRS chapter 355.

Section 3. KRS 186.190 is amended to read as follows:

(1) Whenever a motor vehicle that has been previously registered changes ownership, the registration plate shall remain upon such motor vehicle as a part of it until the expiration of the registration year.

(2) No person shall sell or trade any motor vehicle without delivering to the county clerk of the county in which the sale or trade is made the registration receipt issued on the motor vehicle for the current year and the bill of sale.

(3) Upon delivery of the registration receipt and the bill of sale to the county clerk of the county in which the sale or trade was made, the seller shall pay to the county clerk a transfer fee of one dollar ($1.00), which shall be remitted to the department of revenue. The county clerk shall thereupon issue to the purchaser a transfer of registration bearing the same data and information as contained on the original registration receipt, except the change in name and address. The seller shall pay to the county clerk a fee of *two dollars ($2.00)* [one dollar ($1.00)] for his services.

(4) Whenever a county clerk issues to a purchaser a transfer of registration in a county other than the one in which the motor vehicle was originally registered, the clerk shall immediately mail one (1) copy of the transfer of registration to the clerk of the county of original registration.

(5) If the owner junks or otherwise renders a motor vehicle unfit for future use, he shall deliver the registration plate and registration receipt to the county clerk of the county in which the motor vehicle is junked. The county clerk shall immediately return the plate and receipt to the department of revenue. The owner shall pay to the county clerk fifty cents (50) for his services.

(6) A licensed motor vehicle dealer shall not be required to pay the transfer fee provided by this section, but shall be required to pay the county clerk's fee provided by this section.

(7) The registration receipt issued by the clerk under this section shall contain information as required by the department of motor transportation.

Section 4. KRS 355.9-403 is amended to read as follows:

(1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this article.

(2) A filed financing statement which states a maturity date of the obligation secured of five years or less is effective until such maturity date and thereafter for a period of sixty days. Any other filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of such sixty day period after a stated maturity date or on the expiration of such five year period, as the case may be, unless a continuation statement is filed prior to the lapse. Upon such lapse the security interest becomes unperfected. A filed financing statement which states that the obligation secured is payable on demand is effective for five years from the date of filing.

(3) A continuation statement may be filed by the secured party (a) within six months before and sixty days after a stated maturity date of five years or less, and (b) otherwise within six months prior to the expiration of the five year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and date filed and state that the original statement is still effective. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it.

(4) A filing officer shall mark each statement with a consecutive file number and with the date and hour of filing and shall hold the statement for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5) Notwithstanding the provisions of KRS Chapter 64, the uniform fee for filing and indexing an original or a continuation statement shall be *$4.75* [$3.75]. This fee includes the fee for filing and indexing a termination statement and for sending or delivering the terminated instrument and financing statement. The uniform fee for furnishing filing data for an original or a continuation statement shall be $3.00.

HB 793, AN ACT relating to motor vehicle certificates of title.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS Chapter 186A is hereby established and a new section thereof is created to read as follows:

As used in this Act, except where the context clearly indicates a different meaning:

(1) "Department" means the Department of Revenue of this State.

(2) "Dealer" means a person licensed as an automobile or motor vehicle dealer and engaged regularly in the business of buying, selling or exchanging motor vehicles, trailers, semi-trailers, trucks, tractors, or other character of commercial or industrial motor vehicles in this State, and having in this State an established place of business.

(3) "Implement of husbandry" means every vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

(4) "Vehicle identification number" means the numbers and letters on a vehicle designated by the manufacturer or assigned by the Department for the purpose of identifying the vehicle.

(5) "Lien" means every kind of written lease which is substantially equivalent to an installment sale or which provides for a right of purchase; conditional sale; reservation of title; deed of trust; chattel mortgage; trust receipt; and every written agreement or instrument of whatever kind or character whereby an interest other than absolute title is sought to be held or given on a motor vehicle.

(6) "Lienholder" means any person, firm, copartnership, association, or corporation holding a lien as herein defined on a motor vehicle.

(7) "Manufacturer" means any person regularly engaged in the business of manufacturing, constructing, assembling, importing or distributing new motor vehicles, either within or without this state.

(8) "Motor vehicle" includes:

(a) Every automobile, motorcycle, mobile trailer, semi-trailer, truck, truck tractor, trailer and other device which is self-propelled or drawn, in, upon or by which any person or property is or may be transported or drawn upon a public highway except such as is moved by animal power or used exclusively upon stationary

rails or tracks;

(b) Every mobile home, trailer coach, travel trailer and house trailer manufactured upon a chassis or undercarriage as an integral part thereof drawn by a self-propelled vehicle.

(9) "New vehicle" means a motor vehicle which has never been the subject of a first sale for use.

(10) "Used vehicle" means a motor vehicle that has been the subject of a first sale for use, whether within this state or elsewhere.

(11) "Owner" means a person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

(12) "Person" includes every natural person, firm, copartnership, association or corporation.

(13) "Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as logs, poles, pipes, boats, or structural members capable generally of sustaining themselves as beams between the supporting connection.

(14) "Security agreement" means a written agreement which reserves or creates a security interest.

(15) "Security interest" means an interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. A security interest is "perfected" when it is valid against third parties generally, subject only to specific statutory exceptions.

(16) "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to: ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carry-alls and scrapers, power shovels and draglines, and self-propelled cranes, and earthmoving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(17) "Nonresident" means every person who is not a resident of this state.

(18) "Current address" means a new address different from the address shown on the application or on the certificate of title. The owner shall within thirty (30) days after his address is changed from that shown on the application or on the certificate of title notify the Department of the change of address in the manner prescribed by the Department.

(19) "State" means a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada.

(20) "Salvage dealer" means the owner of any junkyard, scrap metal processing plant, auto crushers or salvage yard, and his agents and employes.

Section 2. A new section of KRS Chapter 186A is created to read as follows:

(1) Except as provided in section 3 of this Act, every owner of a motor vehicle designated a 1978 year model, and any model subsequent thereto which is in this state and which is required to be registered under the motor vehicle laws of this state and for which no certificate of title has been issued by the department, shall make application to the county clerk for a certificate of title to the vehicle.

(2) Any dealer, acting for himself or another, who sells, trades or otherwise transfers any vehicle required to be titled under this Act who does not comply with the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not exceeding five hundred dollars ($500).

Section 3. A new section of KRS Chapter 186A is created to read as follows:

No certificate of title need be obtained for:

(1) A vehicle owned by the United States or any agency thereof;

(2) A vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration, or a vehicle used by a manufacturer solely for testing;

(3) A vehicle owned by a nonresident of this state and not required by law to be registered in this state;

(4) A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state;

(5) A vehicle moved solely by animal power;

(6) An implement of husbandry;

(7) Special mobile equipment;

(8) A pole trailer.

Section 4. A new section of KRS Chapter 186A is created to read as follows:

The Commissioner of the Department of Revenue or county clerk may perform their duties under this Act either personally or through any of their deputies.

Section 5. A new section of KRS Chapter 186A is created to read as follows:

(1) The application for the first certificate of title of a vehicle in this state shall be made by the owner to the county clerk, on the form the Deparment prescribes, and shall contain:

(a) The name, current residence and mailing address of the owner;

(b) A description of the vehicle including the following data: year, make, model, vehicle identification number, type of body, the number of cylinders, and whether new or used;

(c) The date of purchase by applicant, the name and address of the person from whom the vehicle was acquired, and the names and addresses of any lienholders in the order of their priority and the dates of their security agreements; and

(d) Such other information as the Department may require.

(2) If the application is for a vehicle purchased from a dealer, it shall contain the name and address of any lienholder holding a security interest created or reserved at the time of the sale and the date of his security agreement and must be signed by the dealer as well as the owner, and the county clerk shall promptly mail or deliver the application to the Department.

(3) If the application is for a new vehicle, it shall be accompanied by the certified manufacturer's statement of origin showing proper assignments to the applicant and a copy of each security interest document. The manufacturer upon the shipment of a motor vehicle into this state shall forthwith furnish the dealer with such a certified statement of origin.

(4) Each application shall contain or be accompanied by the certificate of the county clerk that the vehicle has been physically inspected by him; that the vehicle identification number and descriptive data shown on the application, pursuant to the requirements of subsection (1) (b) of this section, are correct, and that he identified the person signing the application and witnessed the signature.

(5) If the application is for a first certificate of title on a vehicle other than a new vehicle, then the application shall conform with the requirements of this section except that in lieu of the manufacturer's statement of origin, the application shall be accompanied by a copy of the notarized bill of sale of said motor vehicle whereby the applicant claims title or in lieu thereof certified copies of the last two (2) years' license tag and tax receipts and such other information as the Department may reasonably require to identify the vehicle and to enable the Department to determine the ownership of the vehicle and the existence or nonexistence of security interests in it.

(6) If the application refers to a vehicle last previously registered in another state or country, the application shall contain or be accompanied by:

(a) Any certificate of title issued by the other state or country; and

(b) Such other information and documents as the Department may reasonably require by rules and regulations to establish the ownership of the vehicle and the existence or nonexistence of security interests in it;

(c) The certificate of the county clerk that the vehicle has been physically inspected by him, that the vehicle identification number and descriptive data shown on the application pursuant to subsection (1) (b) of this section are correct and such other proof of the identity of the vehicle as the Department may reasonably require.

(7) Every county clerk within this state shall, no later than the next business day after an application is received by him, forward the same to the Department by mail, postage prepaid, with such other evidence of title as may have been delivered to him by the applicant, along with the required fee as hereinafter provided.

Section 6. A new section of KRS Chapter 186A is created to read as follows:

(1) The Department upon receiving an application for certificate of title shall check the vehicle identification number shown in the application against the record of stolen or converted vehicles maintained by it.

(2) The Department shall examine each application received and, when satisfied that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title to the vehicle on the form prescribed by the Department.

(3) The Department shall maintain a record of all certificates of title issued pursuant to the provisions of this Act:

(a) Under a distinctive title number assigned to the vehicle;

(b) Under the vehicle identification number;

(c) Under the name of the owner; and

(d) In the discretion of the Department, by any other method the Department determines.

Section 7. A new section of KRS Chapter 186A is created to read as follows:

(1) The rules and regulations promulgated by the Department shall make suitable provisions for the use by an applicant of the duplicate copy of his application for a certificate of title to serve as a permit for the operation of the motor vehicle described in the application until the Department either issues the certificate of title of such motor vehicle or refuses to issue the certificate; and every county clerk receiving an application for the certificate of title, when the provisions of this Act have been otherwise complied with, shall deliver to

the applicant the duplicate copy of his application which shall contain a suitable permit for the purposes mentioned in this subsection.

(2) In the event the Department refuses to issue the certificate of title, the applicant shall, immediately upon receiving written notice from the Department that such certificate will not be issued for the reason stated in the notice, deliver or mail to the Department by registered mail the duplicate copy of his application containing the permit mentioned in subsection (1) of this section and the current license tag which was issued for the vehicle; and the motor vehicle described in said application shall not be operated on the highways or other public places of this state after the applicant receives notice that the certificate will not be issued unless its operation is subsequently authorized by the Department either by the issuance of a new permit or certificate of title. If for any reason the said duplicate copy of the application for certificate of title and the current license tag which were issued for the vehicle in question are not received by the Department within ten (10) calendar days after the Department mails written notice to the applicant that it will not issue the certificate of title applied for, the Department, or at the request of the Department, any Kentucky state policeman, sheriff, or other peace officer of this state, is authorized and empowered to and shall require and compel the surrender of said duplicate copy of the application for certificate of title and the said current license tag; and the Department, after it obtains possession of said duplicate copy of application for certificate of title and said current license tag, is authorized to retain same until it is satisfied that said applicant is entitled to receive a certificate of title to the vehicle in question.

Section 8. A new section of KRS Chapter 186A is created to read as follows:

(1) Each certificate of title issued by the Department shall contain:

(a) The date issued;

(b) The name and current address of the owner;

(c) The names and addresses of any lienholders in the order of priority as shown on the application, or if the application is based on a certificate of title, as shown on the certificate;

(d) The title number;

(e) A description of the vehicle including the following data: year, make, model, vehicle identification number, type of body, number of cylinders, whether new or used, and if a new vehicle the date of the first sale of the vehicle for use; and

(f) Any other data the Department prescribes by rules and regulations.

(2) Unless security is furnished as provided in section 10, a distinctive certificate of title shall be issued for a vehicle last previously registered in another state or country, the laws of which do not require that lienholders be named on a certificate of title to perfect their security interest. The certificate shall contain the legend, "This vehicle may be subject to an undisclosed lien" and may contain any other information the Department prescribes by rules and regulations. If no notice of a security interest in the vehicle is received by the Department within four (4) months from the issuance of the distinctive certificate of title, the Department shall, upon application and surrender of the distinctive certificate, issue a certificate of title in ordinary form.

(3) The certificate of title shall contain forms for assignment and warranty of title by the owner, and for assignment and warranty of title by a dealer, and may contain forms for applications for a certificate of title by a transferee, the naming of a lienholder and the assignment or release of the security interest by a lienholder.

(4) A certificate of title issued by the Department is prima facie evidence of the facts appearing on it.

(5) A certificate of title to a vehicle is not subject to garnishment, attachment, execution or other judicial process, but this subsection does not prevent a lawful levy upon the vehicle.

Section 9. A new section of KRS Chapter 186A is created to read as follows:

The certificate of title shall be mailed to the first lienholder named in it or, if none, to the owner. A nontransferable duplicate certificate of title shall be mailed to the owner to serve as a permit for the operation of the motor vehicle.

Section 10. A new section of KRS Chapter 186A is created to read as follows:

If the Department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the Department may accept the application but shall either:

(1) Withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the Department as to the applicant's ownership of the vehicle and that there are no undisclosed security interests on it; or

(2) As a condition of issuing a certificate of title, require the applicant to file with the Department a bond in the form prescribed by the Department and executed by the applicant, and either accompanied by the deposit of cash with the Department or also executed by a person authorized to conduct a surety business in this state. The bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the Department and conditioned to indemnify any prior owner and lienholder and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vehicle or on account of any defect in or undisclosed security

interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of three (3) years or prior thereto if the vehicle is no longer registered in this state and the currently valid certificate of title is surrendered to the Department, unless the Department has been notified of the pendency of an action to recover on the bond.

Section 11. A new section of KRS Chapter 186A is created to read as follows:

The Department shall refuse issuance of certificate of title if any required fee is not paid or if the Department has reasonable grounds to believe that:

(1) The applicant is not the owner of the vehicle;

(2) The application contains a false or fraudulent statement; or

(3) The applicant fails to furnish required information or documents or any additional information the Department reasonably requires.

Section 12. A new section of KRS Chapter 186A is created to read as follows:

(1) If a certificate of title is lost, stolen, mutilated or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the Department, shall promptly make application for and may obtain a replacement upon furnishing information satisfactory to the Department and payment of the fee as hereinafter required. The replacement certificate of title shall contain the legend, "This is a replacement certificate and may be subject to the rights of a person under the original certificate." It shall be mailed to the first lienholder named in it, or, if none, to the owner.

(2) The Department shall not issue a new certificate of title to a transferee upon application made on a replacement certificate until fifteen (15) days after receipt of the application.

(3) A person recovering an original certificate of title for which a replacement has been issued shall promptly surrender the original certificate to the Department.

Section 13. A new section of KRS Chapter 186A is created to read as follows:

(1) If an owner transfers his interest in a vehicle, other than by the creation of a security interest, he shall, at the time of the delivery of the vehicle, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate or as the Department prescribes, and cause the certificate and assignment to be mailed or delivered to the transferee or to the Department.

(2) Except as provided in section 14, the transferee shall, promptly after delivery to him of the vehicle, execute the application for a new certificate of title in the space provided therefor on the certificate or as the Department prescribes, and cause the certificate and application to be mailed or delivered to the county clerk.

(3) Upon request of the owner or transferee, a lienholder in possession of the certificate of title shall, unless the transfer was a breach of his security agreement, deliver the certificate to the transferee. Upon receipt of the certificate the transferee shall make application to a designated agent for a new certificate. The delivery of the certificate does not affect the rights of the lienholder under his security agreement.

(4) If a security interest is reserved or created at the time of the transfer, the certificate of title shall be retained by or delivered to the person who becomes the lienholder and the parties shall comply with the provisions of section 20.

(5) Except as provided in section 14, and as between the parties, a transfer by an owner is not effective until the provisions of this section have been complied with.

Section 14. A new section of KRS Chapter 186A is created to read as follows:

(1) If a dealer buys a vehicle and holds it for resale and procures the certificate of title from the owner or the lienholder within fifteen (15) days after delivery to him of the vehicle, he need not send the certificate to the Department but, upon transferring the vehicle to another person other than by the creation of a security interest, shall promptly execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale and the date of his security agreement, in the spaces provided therefor on the certificate or as the Department prescribes, and mail or deliver the certificate to a designated agent with the transferee's application for a new certificate.

(2) Every dealer and salvage dealer shall maintain for five (5) years a record in the form the Department prescribes of every vehicle bought, sold or exchanged by him or received by him for sale or exchange, which shall be open to inspection by representatives of the Department and law enforcement officers during reasonable business hours.

Section 15. A new section of KRS Chapter 186A is created to read as follows:

(1) If the interest of an owner in a vehicle passes to another other than by voluntary transfer, the transferee shall, except as hereinafter provided in subsection (2) of this section, promptly mail or deliver to the county clerk the last certificate of title, if available, and proof of the transfer, together with his application for a new certificate in the form the Department prescribes.

(2) (a) If the interest of the owner is terminated or the vehicle is sold under a security agreement by a lienholder named in the certificate of title, the transferee shall promptly make application to the county clerk for a new certificate in the form the Department prescribes. The application shall be accompanied by the last certificate of title and an affidavit made by or on behalf of the lienholder that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement.

(b) If the lienholder succeeds to the interest of the owner and holds the vehicle for resale, he need not secure a new certificate of title but, upon transfer to another person, shall promptly mail or deliver to the transferee the certificate, affidavit and other documents required by the Department. The transferee shall promptly make application to the county clerk for a new certificate in the form prescribed by the Department.

(c) Notwithstanding anything to the contrary contained in this section, a person holding a certificate of title whose interest in the vehicle has been extinguished or transferred other than by voluntary transfer shall forthwith mail or deliver the certificate to the Department upon request of the Department; and the delivery of the certificate pursuant to the request of the Department does not affect the rights of the person surrendering the certificate; and the action of the Department in issuing a new certificate of title as provided herein is not conclusive upon the rights of an owner or lienholder named in the old certificate.

Section 16. A new section of KRS Chapter 186A is created to read as follows:

(1) The Department, upon receipt of a properly assigned certificate of title, with an application for a new certificate of title, the required fee and any other documents required by the Department, shall issue a new certificate of title in the name of the transferee as owner and mail it to the first lienholder named in it or, if none, to the owner.

(2) The Department, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, with proof of the transfer, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner. If the outstanding certificate of title is not delivered to the Department, the Department shall make demand therefor from the holder thereof.

(3) A transferor of a vehicle other than a dealer transferring a new vehicle shall deliver to the transferee at the time of the delivery of possession of the vehicle the license plate for the vehicle. Provided, however, the license plate does not have to be delivered where a provision of law allows such plate to be retained by the owner of the vehicle.

(4) The Department shall file every surrendered certificate of title, or a microfilm of every such certificate, for a period of time deemed necessary by it in order to permit the tracing of title of the vehicle designated therein.

Section 17. A new section of KRS Chapter 186A is created to read as follows:

An owner who scraps, dismantles or destroys a vehicle and a person who purchases a vehicle as scrap or to be dismantled or destroyed shall indicate same on the back of the certificate of title and shall within seventy-two (72) hours cause the certificate of title, the motor vehicle license plate, and any other documents or information required by the Department to be mailed or delivered to the Department for cancellation. A certificate of title of the vehicle shall not again be issued except upon application containing the information the Department requires, accompanied by a certificate of inspection in the form and content specified in section 5 (4) of this Act.

Section 18. A new section of KRS Chapter 186A is created to read as follows:

This Act does not apply to or affect:

(1) A lien given by statute or rule of law to a supplier of services or materials for the vehicle;

(2) A lien given by statute to the United States, this state or any political subdivision of this state;

(3) A security interest in a vehicle created by a manufacturer or dealer who holds the vehicle for sale, but a buyer in the ordinary course of trade from the manufacturer or dealer takes title free of the security interest.

Section 19. A new section of KRS Chapter 186A is created to read as follows:

(1) Unless excepted by section 18 of this Act, a security interest in a vehicle for which a certificate of title is required by the terms of this Act is not valid against creditors of the owner or subsequent transferees or lienholders of the vehicle unless perfected as provided in this Act.

(2) A security interest is perfected by the delivery to the Department or the county clerk of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the lienholder and the date of his security agreement, a copy of the security interest document, and the required fee. It is perfected as of the time of its creation if the delivery is completed within ten (10) days thereafter, otherwise, as of the time of the delivery.

(3) If a vehicle is subject to a security interest when brought into this state, the validity of the security interest is determined by the law of the jurisdiction where the vehicle was when the security interest attached, subject to the following:

(a) If the parties understood at the time the security interest attached that the vehicle would be kept in this state and it was brought into this state within thirty (30) days thereafter for purposes other than transportation through this state, the validity of the security interest in this state is determined by the law of this state.

(b) If the security interest was perfected under the law of the jurisdiction where the vehicle was when the security interest attached, the following rules apply: if the name of the lienholder is shown on an existing certificate of title issued by that jurisdiction his security interest continues perfected in this state; if the name of the lienholder is not shown on an existing certificate of title issued by that jurisdiction the security interest continues perfected in this state for four (4) months after a first certificate of title of the vehicle is issued in this state, and also thereafter if within the four-month period it is perfected in this state. The security interest may also be perfected in this state after the expiration of the four-month period; in that case perfection dates from the time of perfection in this state.

(c) If the security interest was not perfected under the law of the jurisdiction where the vehicle was when the security interest attached, it may be perfected in this state; in that case perfection dates from the time of perfection in this state.

(d) A security interest may be perfected under paragraph (b) or paragraph (c) of this subsection, either as provided in subsection (2) or, by the lienholder mailing or delivering to the county clerk or to the Department a notice of security interest in the form the Department prescribes together with documents to support the security interest as required by the Department and the required fee.

Section 20. A new section of KRS Chapter 186A is created to read as follows:

(1) The owner shall immediately execute the application in the space provided therefor on the certificate of title, or on a separate form the Department prescribes to name the lienholder on the certificate showing the name and address of the lienholder and the date of his security agreement, and cause the certificate, application and the required fee to be delivered to the lienholder.

(2) The lienholder shall immediately cause the certificate, application and required fee to be mailed or delivered to the Department.

(3) Upon request of the owner or subordinate lienholder, a lienholder in possession of the certificate of title shall either mail or deliver the certificate to the subordinate lienholder for delivery to the Department, or, upon receipt from the subordinate lienholder of the owner's application and the required fee, mail or deliver them to the Department with the certificate. The delivery of the certificate does not affect the rights of the first lienholder under his security agreement.

(4) Upon receipt of the certificate of title, application and the required fee, the Department shall either endorse on the certificate or issue a new certificate containing the name and address of the new lienholder, and mail the certificate to the first lienholder named in it.

Section 21. A new section of KRS Chapter 186A is created to read as follows:

(1) A lienholder may assign, absolutely or otherwise, his security interest in the vehicle to a person other than the owner without affecting the interest of the owner or the validity of the security interest, but any person without notice of the assignment is protected in dealing with the lienholder as the holder of the security interest and the lienholder remains liable for any obligations as lienholder until the assignee is named as lienholder on the certificate in the manner prescribed by the Department.

(2) The Department shall file each assignment received by the Department with the required fee, and note the assignee as lienholder upon the record of notices of security interests maintained by the Department.

Section 22. A new section of KRS Chapter 186A is created to read as follows:

(1) Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of the lienholder, he shall, within ten (10) days after demand execute a release of his security interest, in the space provided therefor on the certificate or as the Department prescribes, and mail or deliver the certificate and release to the next lienholder named therein, or, if none, to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate. The owner, other than a dealer holding the vehicle for resale, shall promptly cause the certificate and release to be mailed or delivered to the Department, which shall release the lienholder's rights on the certificate or issue a new certificate.

(2) Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall within ten (10) days after demand execute a release in the form the Department prescribes and deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive it. The lienholder in possession of the certificate of title shall either deliver the certificate to the owner, or the person authorized by him, for delivery to the Department, or, upon receipt of the release, mail or deliver it with the certificate to the Department which shall release the subordinate lienholder's rights on the certificate or issue a new certificate.

(3) Upon receipt of the releases of security interests mentioned in subsections (1) and (2) of this subsection, the Department shall file each release in the manner prescribed by the Department and note the same upon the records of notices of security interests maintained by it.

Section 23. A new section of KRS Chapter 186A is created to read as follows:

A lienholder named in a certificate of title shall, upon written request of the owner or of another lienholder named on the certificate, disclose any pertinent information as to his security agreement and the indebtedness secured by it.

Section 24. A new section of KRS Chapter 186A is created to read as follows:

(1) The method provided in this Act of perfecting and giving notice of security interest in motor vehicles required to be titled under the terms hereof or titled under the terms hereof, shall be exclusive.

(2) Security interests in motor vehicles required to be titled or which are titled under this Act, are hereby exempted from the provisions of law which otherwise require the filing or recording of financing statements or of other instruments creating or evidencing security interest.

(3) Security interests in motor vehicles not required to be titled under this Act or not titled under the terms hereof, which are perfected under any other applicable laws of this state shall not be affected by this Act but shall continue in all respects to be governed by such other laws of this state.

Section 25. A new section of KRS Chapter 186A is created to read as follows:

(1) The Department shall suspend or revoke a certificate of title, upon notice and reasonable opportunity to be heard in accordance with section 27, when authorized by any other provision of law or if it finds: the certificate of title was fraudulently procured or erroneously issued; or the vehicle has been scrapped, dismantled or destroyed.

(2) Suspension or revocation of a certificate of title does not, in itself, affect the validity of a security interest noted on it.

(3) When the Department suspends or revokes a certificate of title, the owner or person in possession of it shall, immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to the Department.

(4) Should any person fail to comply with the provisions of subsection (3) of this section the Department shall seize and impound the certificate of title which has been revoked. It shall also be the duty of any peace officer, on notification to him by the Department of the failure of a person to mail or deliver a revoked certificate of title to the Department, to seize and mail or deliver to the Department the revoked certificate of title.

Section 26. A new section of KRS Chapter 186A is created to read as follows:

(1) The Department shall prescribe and provide suitable forms of applications, certificates of title, notices of security interests, and all other notices and forms necessary to carry out the provisions of this Act.

(2) The Department may:

(a) Make necessary investigations to procure information required to carry out the provisions of this Act;

(b) Adopt and enforce reasonable rules and regulations to carry out the provisions of this Act;

(c) Assign a new identification number to a vehicle if it has none, or its identification number is destroyed or obliterated, or its motor is changed, and shall either issue a new certificate of title showing the new identification number or make an appropriate endorsement on the original certificate;

(d) Revoke the authority of a dealer or other person appointed by the Department to act as a designated agent hereunder when it finds that such dealer or other person has failed to faithfully perform his duties under this Act.

(3) The Department shall make available information concerning the status of a title on any vehicle as reflected by the records in a manner prescribed by the Department. Such information supplied by the Department shall be considered official only if in writing. The Department shall charge the fees as set forth in section 31 provided, however, that no fee shall be charged Kentucky law enforcement agencies or law enforcement agencies of any other state when such state furnishes like or similar information without charge to the Department or to Kentucky law enforcement agencies.

Section 27. A new section of KRS Chapter 186A is created to read as follows:

A person aggrieved by an act or omission to act of the Department under this act is entitled to a hearing. Such person shall within sixty (60) days of such act or omission to act protest in writing the act or omission to act by which he is aggrieved, request the Department to take appropriate action to remedy such act or omission to act, state the grounds on which the request is based and request a hearing of the protest. On receipt of such protest the Department shall, if it finds the protest justified, comply forthwith with the request. If the Department is of the opinion that the written protest is not sufficient to justify compliance with the request, a hearing of the matter shall be set before the Department and notice thereof shall be given to the aggrieved person by registered or certified mail, return receipt requested. The hearing may be continued from time to time as deemed to be appropriate by the Department. The aggrieved person may make an appearance by written statement, in person or by attorney or agent. The Department shall make such rules and regulations for the conduct of the hearing as deemed by it to be appropriate and necessary. At the conclusion of the hearing the Department shall within ten (10) days notify the aggrieved person in writing of its determination of the matter.

Section 28. A new section of KRS Chapter 186A is created to read as follows:

An aggrieved person who has filed a protest in accordance with the provisions of section 27 of this Act not being satisfied with the determination made by the Department may request review of the matter by the circuit court of the county in which he resides, or in which the vehicle involved is licensed, or in which the act or omission to act occurred. The court review shall be instituted by filing a petition for a hearing of the matter in the circuit court within thirty (30) days after receipt from the Department of notice of its determination of the matter. Such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing with written notice to the Department, and thereupon to take testimony and examine into the facts of the case and determine whether the petitioner is entitled to relief and if so to grant it. Either the state or the aggrieved person may appeal to the Kentucky Court of Appeals within thirty (30) days from the rendition of a judgment by the circuit court.

Section 29. A new section of KRS Chapter 186A is created to read as follows:

If the Department is not satisfied that there are no undisclosed security interests created before this Act takes effect in a previously registered vehicle, the Department may, in addition to the Department's options under section 10 of this Act, issue a distinctive certificate of title of the vehicle containing the legend, "This vehicle may be subject to an undisclosed lien" and containing any other information the Department prescribes.

Section 30. A new section of KRS Chapter 186A is created to read as follows:

(1) The Department shall file each notice of security interest received by the Department with the required fee and maintain a record of all notices of security interests filed by the Department:

(a) Alphabetically, under the name of the owner;

(b) Under the vehicle identification number;

(c) Under the certificate of title number; and

(d) In the discretion of the Department, by any other method it determines.

(2) The Department before issuing or reissuing a certificate of title shall check the name of the owner and the certificate of title number of the vehicle against the record provided for in subsection (1) of this section.

Section 31. A new section of KRS Chapter 186A is created to read as follows:

(1) There shall be paid for issuing and processing documents required by this Act fees according to the following schedule:

(a) Each application for certificate of title shall be six dollars ($6), of which the county clerk shall retain two dollars ($2);

(b) Each application for replacement or corrected certificate of title shall be four dollars ($4), of which the county clerk shall retain one dollar ($1);

(c) Each application for certificate of title after transfer shall be four dollars ($4), of which the county clerk shall retain one dollar ($1);

(d) Each notice of security interest shall be five dollars ($5), of which the county clerk shall retain three dollars ($3);

(e) Each assignment by lienholder shall be three dollars ($3), of which the county clerk shall retain one dollar ($1);

(f) Each application for ordinary certificate of title upon surrender of a distinctive certificate shall be four dollars ($4), of which the county clerk shall retain one dollar ($1);

(g) Each application for information as to the status of the title of a vehicle shall be one dollar ($1).

(2) All other fees collected shall be remitted to the Department.

(3) If more than one (1) transaction be involved in any application on a single vehicle and if supported by all required documents, the fee charged by the Department and by the county clerk for processing and issuing shall be considered as only one (1) transaction for which the county clerk shall receive and retain one dollar and fifty cents ($1.50) shall collect and remit to the Department one dollar and fifty cents ($1.50).

Section 32. A new section of KRS Chapter 186A is created to read as follows:

No motor vehicle required to be titled under the provisions of this Act shall be assessed for ad valorem taxes by any tax assessor, the Department of Revenue or other county official authorized and required by law to assess motor vehicles for ad valorem taxes unless the application therefor is accompanied by a copy of an application for a certificate of title to such vehicle, a certificate of title to such vehicle, a duplicate certificate of title to such vehicle where the original is held by a lienholder, or a copy of an application for replacement certificate of title, provided, however, when the owner of a motor vehicle has complied with the provisions of this section in licensing a motor vehicle or having the license for a motor vehicle transferred to him this section shall not apply thereafter to the renewal of such license by such owner of such motor vehicle.

Section 33. A new section of KRS Chapter 186A is created to read as follows:

No motor vehicle license (or license plate) may be issued and no motor vehicle license (or license plate) may be transferred for use on a motor vehicle required to be titled under this Act except on presentation by the owner to the county clerk or other issuing officer, the copy of an application for a certificate of title to

such vehicle, a certificate of title to such vehicle, a duplicate certificate of title to such vehicle where the original is held by a lienholder, or a copy of an application for a replacement certificate of title, provided however, when the owner of a motor vehicle has complied with the provisions of this section in registering a motor vehicle or having the registration for a motor vehicle transferred to him, this section shall not apply thereafter to the renewal of such license by such owner of such motor vehicle.

Section 34. A new section of KRS Chapter 186A is created to read as follows:

A person not entitled to possession of a vehicle who, without the consent of the owner and with intent to deprive him, temporarily or otherwise, of the vehicle or its possession, takes, uses or drives the vehicle shall be confined in the penitentiary not less than one nor more than five years.

Section 35. A new section of KRS Chapter 186A is created to read as follows:

A person not entitled to the possession of a vehicle who receives, possesses, conceals, sells or disposes of it, knowing it to be stolen or converted under circumstances constituting a crime, shall be confined in the penitentiary not less than one nor more than five years.

Section 36. A new section of KRS Chapter 186A is created to read as follows:

(1) A person who, wilfully and without right to do so, damages a vehicle or damages or removes any of its parts or components shall be confined in the county jail not more than ninety days.

(2) A person who, without right to do so and with intent to commit a crime, tampers with a vehicle, or goes in or on it, or works or attempts to work any of its parts or components, or sets or attempts to set it in motion, shall be confined in the county jail not more than ninety days.

Section 37. A new section of KRS Chapter 186A is created to read as follows:

(1) A peace officer who learns of the theft or conversion of a vehicle or of the recovery of such vehicle, shall forthwith report the theft, conversion, or recovery to the Department.

(2) An owner or a lienholder may report the theft of a vehicle, or its conversion if a crime, to the Department, but the Department may disregard the report of a conversion unless a warrant has been issued for the arrest of a person charged with the conversion. A person who has so reported the theft or conversion of a vehicle shall, forthwith after learning of its recovery, report the recovery to the Department.

(3) (a) An operator of a place of business for garaging, repairing, parking or storing vehicles for the public, in which a vehicle remains unclaimed for a period of thirty (30) days, shall, within thirty (30) days after the expiration of that period, report the vehicle as unclaimed to the Department. Such report shall be on a form prescribed by the Department.

(b) A vehicle left by its owner whose name and address are known to the operator or his employe is not considered unclaimed. A person who fails to report a vehicle as unclaimed in accordance with this subsection forfeits all claims and liens for its garaging, repairing, parking or storing and is guilty of a misdemeanor punishable by a fine of not more than one hundred dollars ($100).

(4) The Department shall maintain and appropriately index weekly cumulative public records of stolen, converted, recovered and unclaimed vehicles reported to it pursuant to this section. The Department may make and distribute weekly lists of such vehicles so reported to it to peace officers upon request without fee and to others for the fee, if any, the Department prescribes.

(5) The Department may suspend the registration of a vehicle whose theft or conversion is reported to it pursuant to this section; until the Department learns of its recovery or that the report of its theft or conversion was erroneous, it shall not issue a certificate of title for the vehicle.

Section 38. A new section of KRS Chapter 186A is created to read as follows:

A person who knowingly makes a false report of the theft or conversion of a vehicle to a peace officer or to the Department shall be confined in the county jail not more than ninety days.

Section 39. A new section of KRS Chapter 186A is created to read as follows:

(1) As used in this section:

(a) "Identification number" includes an identifying number, serial number, engine number or other distinguishing number or mark, placed on a vehicle or engine by its manufacturer or by authority of the Department or in accordance with the laws of another state or country;

(b) "Remove" includes deface, cover and destroy;

(c) "Falsify" includes alter and forge.

(2) A person who wilfully removes or falsifies an identification number of a vehicle or an engine for a vehicle shall be confined in the county jail not more than ninety days.

(3) A person who, wilfully and with intent to conceal or misrepresent the identity of a vehicle or engine, removes or falsifies an identification number of the vehicle or engine, shall be confined in the penitentiary for not less than one nor more than five years.

(4) A person who buys, receives, possesses, sells or disposes of a vehicle or an engine for a vehicle, knowing that an identification number of the vehicle or engine has been removed or falsified, shall be confined in the county jail not more than ninety days.

(5) A person who buys, receives, possesses, sells or disposes of a vehicle or an engine for a vehicle, with knowledge that an identification number of the vehicle, or engine has been removed or falsified and with intent

to conceal or misrepresent the identity of the vehicle or engine, shall be confined in the penitentiary for not less than one nor more than five years.

(6) A person who removes a license plate or tag from a vehicle or affixes to a vehicle a license plate or tag not authorized by law for use on it, in either case with intent to conceal or misrepresent the identity of the vehicle or its owner, shall be confined in the county jail for not more than ninety days.

(7) An identification number may be placed on a vehicle or engine by its manufacturer in the regular course of business or placed or restored on a vehicle or engine by authority of the Department without violating this section; an identification number so placed or restored is not falsified.

Section 40. A new section of KRS Chapter 186A is created to read as follows:

(1) Each owner of a motor vehicle and each person mentioned as owner in the last certificate of title, when such motor vehicle is dismantled, destroyed, or changed in such a manner that it is not the motor vehicle described in the certificate of title, shall surrender his certificate of title to the Department of Revenue and thereupon said department shall with the consent of any holders of any liens noted thereon, enter a cancellation upon its records. Upon cancellation of a certificate of title in the manner prescribed by this section, the department shall cancel all certificates and all memorandum certificates in that chain of title.

(2) When the frame or engine is removed from a motor vehicle and not immediately replaced by another frame or engine, or when an insurance company has paid money as compensation for a total loss of any motor vehicle, such motor vehicle shall be considered to be salvage. The owner of every motor vehicle in which total loss or salvage has occurred shall, within seventy-two (72) hours after such total loss or salvage occurs, forward to the department the title to the motor vehicle along with its manufacturer's identification number plates and license plates, whereupon the department shall process the title and plates in a manner prescribed by law or regulation. An insurance company which pays money as compensation for total loss of a motor vehicle shall obtain such vehicle's certificate of title, manufacturer's identification number plates, and license plates, and within seventy-two (72) hours after receiving them, shall forward them to the department for processing. In the event the payment was made because of the theft of the vehicle, which shall be considered a total loss as defined in this section, the insurance company shall, in addition to forwarding the certificate of title as provided herein, forward the vehicle's identification number plates and license plates to the department as soon as practicable after the vehicle is recovered. However, nothing in this subsection shall be applicable when a stolen motor vehicle is recovered in substantially intact condition and is readily resaleable without extensive repairs to or replacement of the frame or engine.

(3) It shall be unlawful for the owner of any junkyard, scrap metal processing plant, or salvage yard or his agents or employes to have in their possession any motor vehicle which is junk or salvage or a total loss when the motor vehicle license plate has not been removed therefrom in accordance with the provisions of section 17 of this Act. Any person who violates this subsection shall, upon conviction, be guilty of a felony and shall be punished by imprisonment in the state penitentiary for not more than five (5) years or by fine of not more than $5,000 or by both such fine and imprisonment.

(4) It shall be unlawful for any person, firm, or corporation to possess, sell, or exchange, offer to sell or exchange, or to give away any certificate of title or manufacturer's identification number plates, serial plates, or motor vehicle license plate of any motor vehicle which has been sold as junk or salvage or as a total loss contrary to the provisions of this section, and every officer, agent, or employe of any person, firm or corporation, and every person who shall authorize, direct, aid in, or consent to the possession, sale, or exchange or offer to sell, exchange or give away such certificate of title or manufacturer's identification number plates, serial plates or motor vehicle license plate shall, upon conviction, be guilty of a felony and shall be punished by imprisonment in the state penitentiary for not more than five (5) years or by a fine of not more than $5,000 or by both such fine and imprisonment.

(5) For the purposes of this section, a total loss shall occur when the insurer pays to any person seventy-five (75) percent or more of the cost, at the time of loss, of replacing the wrecked or damaged vehicle with one of the like kind and quality.

Section 41. A new section of KRS Chapter 186A is created to read as follows:

(1) Any sheriff, deputy sheriff, policeman of an incorporated municipality or duly authorized representative of the Department of Public Safety or Department of Revenue of this state may enter into the premises of any automobile salvage dealer, junk yard, automobile or other motor vehicle dealer licensed therefor by the State of Kentucky or any political subdivision thereof and inspect the identification numbers of all motor vehicles or parts thereof contained on said premises, at any time of the day or night in order to enforce the provisions of this Act.

(2) Any sheriff, deputy sheriff, policeman of an incorporated municipality or duly authorized commissioned law enforcement officer of the Department of Public Safety or the Department of Revenue of this state shall have the power to serve and execute any and all search warrants obtained in accordance with law for the purposes of the provisions of this Act.

(3) Interference by any person with proper inspection by lawful officers as authorized by this section is a misdemeanor.

Section 42. A new section of KRS Chapter 186A is created to read as follows:

A person who, whether present or absent, aids, abets, induces, procures or causes the commission of an act which if done directly by him, would be a felony or a misdemeanor under a provision of this Act, is guilty of the same felony or misdemeanor.

Section 43. A new section of KRS chapter 186A is created to read as follows:

A person who with fraudulent intent:

(1) Alters, forges or counterfeits a certificate of title; or

(2) Alters or forges an assignment of a certificate of title, or an assignment or release of a security interest, on a certificate of title or a form the Department prescribes; or

(3) Has possession of or uses a certificate of title, knowing it has been altered, forged or counterfeited; or

(4) Uses a false or fictitious name or address, or makes a material false statement, or fails to disclose a security interest, or conceals any other material fact, in an application for a certificate of title shall be confined in the penitentiary for not less than one nor more than five years.

Section 44. A new section of KRS Chapter 186A is created to read as follows:

A person who:

(1) With fraudulent intent, permits another, not entitled thereto, to use or have possession of a certificate of title; or

(2) Wilfully fails to mail or deliver a certificate of title or application therefor to the Department within ten (10) days after time required by this Act; or

(3) Wilfully fails to deliver to his transferee a certificate of title within ten (10) days after the time required by this Act; or

(4) Knowingly and wilfully commits a fraud in any application for a title or registration; or

(5) Wilfully violates any other provision of this Act, except as otherwise provided in this Act shall be confined in the county jail not more than ninety days.

Section 45. A new section of KRS Chapter 186A is created to read as follows:

This Department is charged with the enforcement of the provisions of this Act and it is hereby authorized and empowered to call upon any and all law enforcement agencies and officers of this state for such assistance as it may deem necessary in order to assure such enforcement; and it shall be the duty of such law enforcement agencies and officers to render such assistance to the Department when called upon by it when the Department is notified of the theft, conversion or recovery of a motor vehicle, it shall immediately forward such information to the Department of Justice, Bureau of Kentucky State Police to do so.

Section 46. A new section of KRS Chapter 186A is created to read as follows:

Sixty (60) days prior to the effective date of this Act, the Department shall provide each county clerk with a supply of forms and the rules and regulations provided for in this Act, and shall furnish each county clerk with at least five (5) copies thereof.

Section 47. A new section of KRS Chapter 186A is created to read as follows:

This Act may be cited as the "Kentucky Uniform Certificate of Title and Antitheft Act."

Section 48. A new section of KRS Chapter 186A is created to read as follows:

This Act is supplemental to other laws relative to motor vehicles and offense relating thereto and insofar as possible shall be construed in pari-materia with such laws. Nevertheless, all laws or parts of laws in conflict or inconsistent with this Act are hereby repealed.

Section 49. A new section of KRS Chapter 186A is created to read as follows:

The provisions of this Act shall become effective on the 1st day of July, 1977.

The Committee Amendment to **HB 793** is as follows:

Amend printed copy of House Bill 793 on page 1, line 5, by striking "Revenue" and inserting in lieu thereof "Transportation";

and on page 6, line 26, by striking "Revenue" and inserting in lieu thereof "Transportation";

and on page 36, line 12, by striking "Revenue" and inserting in lieu thereof "Transportation";

and on page 42, line 13, by striking "Revenue" and inserting in lieu thereof "Transportation";

and on page 45, lines 10 and 21 by striking "Revenue" and inserting in lieu thereof "Transportation"

HB 799, AN ACT relating to county public service programs.

WHEREAS, the income and revenues of counties in Kentucky have, as a result of the enactment of "rollback" legislation codified, inter alia, as KRS 68.245, been limited to a certain degree, and under present law it is impossible for some counties to provide to their citizens, inhabitants and taxpayers vital public service programs even though the citizens of such counties may favor such programs and may favor additional taxation to finance them within constitutional limits; and

WHEREAS, in order to enable counties within the Commonwealth of Kentucky, upon the approval of the electorate, to initiate public service programs, including programs involving new health services or expansion of existing services, and to provide or expand human service programs, it is necessary that counties be permitted to submit to their electorates public service programs and recommended financing thereof, so that such electorates may either approve or disapprove such programs and such financing;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 68 is created to read as follows:

The General Assembly of the Commonwealth of Kentucky hereby finds and determines as a legislative finding of fact that as a result of "rollback" legislation codified as KRS 68.245, current income and revenues of counties in Kentucky have become relatively stabilized, and in many counties, particularly those containing urban areas, such income and revenues are inadequate to enable such counties to provide to the citizens thereof vital and necessary public service programs, even though the citizens of such counties may favor such programs and may favor the taxation necessary to finance them, within constitutional limits. It is the intent of this Act to provide to counties within the Commonwealth of Kentucky, subject to the provisions for election set forth in this Act, additional revenues for public service programs through voted levies of ad valorem taxes and license taxes.

Section 2. A new section of KRS Chapter 68 is created to read as follows:

(1) As used in this Act unless the context requires otherwise, "public service program" shall mean any newly instituted or expanded service program to be performed by any county for the benefit of its citizens, which is approved by the electorate of such county as provided in this Act, as distinguished from the acquisition by any such county of facilities of a capital nature, including, but not limited to, the provision or expansion of human services, provision for new health services or expansion of existing services, and the provision or expansion of police and fire protection services.

(2) For the purpose of providing one or more public service programs to the citizens and inhabitants of any county, any county may submit to the electorate of such county one or more proposals for the approval of one or more public service programs to be financed by additional voted levies of ad valorem taxes upon all taxable property in such county. Such additional voted levies of ad valorem taxes upon all taxable property in any such county shall not exceed in the aggregate for all public service programs approved by the electorate, the limits prescribed by the Constitution of Kentucky for any such county.

(3) For the purpose of providing public service programs to the citizens and inhabitants of any county, any county may submit to the electorate of such county one or more proposals for the approval of one or more public service programs, to be financed by voted levies of occupational license fees. Such voted levies of occupational license fees in any county shall not exceed in the case of each individual public service program approved by the electorate, one-half of one percent (1/2 of 1%) of salaries, wages, commissions and other compensation earned by persons within the county for work done and services performed or rendered in the county, and the net profits of businesses, trades, professions or occupations from activities conducted in the county except public service companies, banks, trust companies, combined banks and trust companies, combined trust, banking and title companies, and all other cases where a county is prohibited by law from imposing a license tax.

Section 3. A new section of KRS Chapter 68 is created to read as follows:

(1) In the event the fiscal court of any county determines that the public interest requires the establishment of one or more public service programs and that existing county revenues are inadequate to reasonably provide for such programs, the fiscal court may by resolution and order determine that one or more questions for the establishment of any such public service program shall be submitted to the electorate of such county. Such resolution and order shall designate with specificity each public service program to be submitted, together with the proposed source of funding therefor, which shall be either an ad valorem tax levy of a certain maximum number of cents per each one hundred dollars ($100) of assessed valuation subject to constitutional limits, or an occupational license tax subject to the limitations of this Act.

(2) The fiscal court shall, following adoption of the resolution and order identified in subsection (1) of this section, cause to be prepared a question for submission to the voters of the county at an election to be called and held for such purpose. Such election may be held upon any date stipulated by the fiscal court by

said resolution and order, and shall be held pursuant to notice as prescribed in KRS 424.130. Said election may be held in conjunction with a regularly scheduled November election, or a primary election, as provided by law. The question shall be so framed that any voter who wishes to vote for the public service program or any individual public service program if there be more than one, may signify his approval by voting "Yes," and any voter who wishes to vote against the public service program or any individual public service program so submitted may do so by voting "No."

Section 4. A new section of KRS Chapter 68 is created to read as follows:

(1) If a majority of those voting on the question of any public service program approve such particular public service program, such particular public service program shall be adopted. The county court clerk shall cause the question to appear on the ballots or voting machine slips used, and the election results shall be canvassed and certified by the County Board of Election Commissioners.

(2) If any public service program is approved by the electorate as herein provided, the specific tax so approved by the qualified voters in respect to such specific public service program shall be levied by the fiscal court in the manner provided by law, and such tax revenues shall be devoted solely to the public service program for which such specific taxes are levied. All such voted taxes shall be in addition to all other taxes otherwise authorized and provided by law, and shall be deemed to be voted levies pursuant to KRS 68.245 (1) not otherwise subject to the limitations contained therein.

SB 143, AN ACT relating to county attorneys.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 69.265 is amended to read as follows:

Each county attorney of the state shall be paid out of the state treasury, each month, [beginning August 1, 1962,] the sum of two hundred fifty dollars ($250), which sum is hereby declared to be the equivalent of the minimum sum that each county attorney will expend each month in the performance of his official duties directed to be performed for the Commonwealth[, for postage, telephone service, travel, criminal investigation, supplies, stationery and books for which there are no provisions for payment]. The Commissioner of Finance shall, on the first of each month [beginning August 1, 1962], draw his warrant on the Treasurer in favor of each county attorney for the sum stated in this section, and the same shall be paid from the revolving fund created by KRS 142.040. The sums so received shall be expended by each county attorney in his discretion[, the manner in which the same shall be applied in payment or reimbursement of such expenses being determined by such officer].

Section 2. This Act shall become effective July 1, 1974.

The Committee on Education reported **HB 221** with Committee Amendment attached thereto, **SB 125, SB 130,** and **SB 165** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 221, AN ACT relating to exceptional children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 157.240 is amended to read as follows:

(1) No physically handicapped child shall be allowed special education facilities except upon a certified diagnosis of a physical defect by competent and appropriate professional authorities acceptable to the superintendent of public instruction.

(2) The director of special education, upon the approval of the superintendent of public instruction, shall prescribe rules, regulations and tests for determining what children shall be classified as educable mentally handicapped or trainable mentally handicapped, and questionable cases shall be decided by the director after adequate examination and consideration of specific case histories.

(3) The director of special education, upon the approval of the Superintendent of Public Instruction, shall prescribe rules, regulations and tests for determining what children shall be classified as having the specific learning disorder of dyslexia within the category of children with learning disabilities, as defined in KRS 157.200. Such tests for determining what children shall be classified as having dyslexia shall be

administered to all children enrolled in the first grade of the public elementary schools of Kentucky, and the results of such tests shall be made known to the parents or guardians of all such children.

The Committee Amendment to **HB 221** is as follows:

Amend printed copy of House Bill 221 on page 1, line 16, by deleting the words *"director of special education"* and by adding therefor the words *"State Board of Education"*

SB 125, AN ACT relating to the preservation of tenure for a teacher who transfers to another school district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 161.740 is amended to read as follows:

(1) Teachers eligible for continuing service status in any school district shall be those teachers who meet qualifications listed in this section:

(a) Hold a standard or college certificate as defined in KRS 161.720;

(b) When a currently employed teacher is recommended for re-employment after teaching four (4) consecutive years in the same district, or after teaching four (4) years which shall fall within a period not to exceed six (6) years in the same district, the year of present employment included, the superintendent shall recommend said teacher for a continuing contract, and, if the teacher is employed by the board of education, a written continuing contract shall be issued.

(c) When a teacher has attained continuing contract status in one (1) district and becomes employed in another district, said teacher shall *retain that status provided, however, that a district may require a one-year probationary period of service in that district before granting that status* [resume probationary status and shall become eligible for continuing contract status only upon fulfilling the requirements of KRS 161.740 (1) (a) and (b)].

(d) Service credit toward a continuing contract shall begin only when a teacher is properly certified as defined in KRS 161.720 (6).

(2) Any teacher or superintendent who has been or may be hereafter inducted into the armed forces of this country, shall at the expiration of such service be re-employed or reinstated in a comparable position as of the beginning of the next school year, Provided application is made at least thirty (30) days before the opening of school, unless physically or mentally incapacitated according to medical notations on official discharge papers. Vacancies created by military leaves shall be filled by teachers or superintendents employed by the board of education under a limited contract of one (1) year or less.

SB 130, AN ACT relating to public common school districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 160 is created to read as follows:

(1) A special fund is hereby created which shall be known as "The Emergency Revolving School Loan Fund Account", hereinafter referred to as Account. This Account, which shall be administered by the State Board of Education, is for the purpose of providing emergency loans to eligible public common school districts.

(2) In order to be eligible for a loan from the Account, a school district shall meet all of the following conditions:

(a) A loss of physical facilities must have been suffered as a result of a fire or a natural disaster;

(b) Insurance on such facilities was insufficient to replace the loss;

(c) The district is bonded to practical capacity and has insufficient resources to meet its immediate capital outlay needs as determined by an investigation of the Superintendent of Public Instruction.

(3) No loan from the Account shall be made for a period in excess of ten years and the maximum amount of any one loan from the Account shall not exceed $250,000 and shall be determined by the State Board of Education on recommendation of the Superintendent of Public Instruction.

(4) The State Board of Education shall establish the terms and conditions for repaying the principal of such loan and interest shall not be charged on the loan. No loan shall cover a loss prior to January 1, 1972.

(5) School districts eligible under this Act to borrow from the Account shall file formal application for such loan on forms provided by the State Department of Education. Before any loan is made, the application must be approved by the State Board of Education on the recommendation of the Superintendent of Public Instruction.

(6) All repayments of loans made under this Section shall be paid into the Emergency Revolving School Loan Fund Account, which shall be funded by an appropriation through the biennial budget. Balances remaining in the fund shall not revert to the General Fund at the end of any fiscal year.

(7) On approval of the loan application by the State Board of Education on the recommendation of the Superintendent of Public Instruction, the Executive Department for Finance and Administration, on the certification of the Superintendent of Public Instruction, shall draw a warrant on the State Treasurer for the amount of the approved loan that is due the school district. The check shall be issued by the State Treasurer and transmitted to the Department of Education for distribution to the proper official of the school district when the district has complied with the rules and regulations of the State Board of Education.

(8) Any loan to a local school district under the provisions of this Act shall not be considered as an indebtedness of the school district within the meaning of Sections 157 and 158 of the Kentucky Constitution.

SB 165, AN ACT relating to the Kentucky Higher Education Assistance Authority.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 164.740 is amended to read as follows:

As used in KRS 164.740 to 164.764, the terms listed below shall have the following meanings:

(1) "Authority" is the Kentucky higher education assistance authority.

(2) "Board" is the board of directors of the Kentucky higher education assistance authority.

(3) "College" is any institution of higher learning which is accredited by the southern association of colleges and secondary schools (or any successor) and which provides a course of study leading to the granting of a post secondary degree or diploma. [For the purposes of KRS 164.740 to 164.764, the term "college" also includes the Madisonville Cooperative College Extension Center.]

(4) "School of nursing" is any training program in the field of nursing, including one (1) regarding nurse aides, which is accredited by the Kentucky board of nursing education and nurse registration (or any successor) and which provides a course of study leading to the granting of a post secondary degree or diploma.

(5) "Vocational school" is any vocational school, which is accredited by the Kentucky state board of education (or any successor) and which provides a course of study leading to the granting of a post secondary degree or diploma.

(6) "Business school" is any business school which is accredited by the commission for business schools (or any successor) and which provides a course of study leading to the granting of a post secondary degree or diploma.

(7) "Educational institution" is any college, school of nursing, vocational school, or business school within the meaning of subsections (3), (4), (5), or (6) above.

(8) "Loans" are advances of money evidenced by promissory notes which require full repayment with interest upon such terms and conditions as the Board may prescribe.

(9) "Grants" are gifts of money, tuition discounts, waivers of tuition and fees or other monetary awards that require neither repayment nor employment and are based on demonstrated financial need and such other terms and conditions as the Board may prescribe.

(10) "Scholarships" are gifts of money based on financial need and superior academic ability or achievement or a special talent and such other terms and conditions as the Board may prescribe.

(11) "Honorary Scholarships" are certificates of merit or achievement or other appropriate documents which may be issued by the Board to students in recognition of superior academic ability or achievement or a special talent.

(12) "Work Study" is an award of money disbursed by the Board at specified intervals to students who provide needed services to an eligible institution for a specified number of hours in a capacity approved by the Board.

(13) "Eligible Institution" is any Kentucky educational institution within the meaning of subsection (7) above which has executed an agreement with the Board pursuant to KRS 164.748 (5).

(14) "Loan Guarantees" are pledges of funds appropriated or otherwise made available to the Board to approved private lenders under the terms and conditions of Section 4, subsection (3), of this Act.

Section 2. KRS 164.744 is amended to read as follows:

The purpose of the Kentucky higher education assistance authority shall be to improve the higher education opportunities of persons who are residents of Kentucky and who are attending or planning to attend *eligible* institutions [of higher learning, vocational schools, schools of nursing, or business schools] in Kentucky [by providing scholarships and loan guarantees]. Such purpose is hereby declared to be a public purpose for which public money may be spent.

Section 3. KRS 164.746 is amended to read as follows:

(1) The authority shall be governed and all of its powers, duties, and functions exercised by a board of directors. The board shall consist of seven (7) *voting* members who shall be appointed by the governor. In addition, the executive director of the council on public higher education and the commissioner of *the Executive Department for Finance and Administration* [finance] shall serve as *non-voting* ex officio members. The term of office of appointed members shall be *four (4)* [eight (8)] years[, except that the terms of the members first appointed shall be as follows: two (2) shall serve for a term ending December 31, 1967; two (2) shall serve for a term ending December 31, 1969; two (2) shall serve for a term ending December 31, 1971; and one (1) shall serve for a term ending December 31, 1973]. Each member shall serve for the term for which he is appointed and until his successor is appointed.

(2) Appointments to fill vacancies on the board shall be made in the same manner as regular appointments. The person appointed shall hold the position for the unexpired portion of the term only.

(3) The board shall elect from its *voting* membership a chairman and *chairman-elect* [vice-chairman] who shall each serve for a term of *two (2)* [four (4)] years[, except that the term of the first chairman and vice-chairman shall end on December 31, 1967]. *At the conclusion of the chairman's term of office, the chairman-elect shall become chairman for the succeeding two (2) years and the Board shall elect from its voting membership a new chairman-elect.*

(4) Board members shall receive no compensation for their services, but may be reimbursed for actual and necessary expenses incurred in the performance of their duties under KRS 164.740 to 164.764.

(5) The board shall provide for the holding of regular *quarterly meetings* and special meetings. A majority of the members shall constitute a quorum for the transaction of any business, *provided, however, that the meeting must be called by the chairman ten (10) days prior to the meeting date and either the chairman or the chairman-elect must be present for the transaction of any business.*

(6) The board shall adopt rules and regulations, not inconsistent with law, governing the conduct of the authority and may appoint such officers and employes as necessary and may fix their compensation, and shall prescribe their duties; Provided, however, That the responsibility for the management of all funds shall be vested in the *Executive Department for Finance and Administration* [department for finance].

Section 4. KRS 164.748 is amended to read as follows:

The board shall have the following powers, functions, and duties:

(1) To *provide loan* guarantees [the loans of funds], upon such terms and conditions as the board may prescribe within the limitations provided by KRS 164.740 to 164.764, to individuals who are residents of Kentucky and who are attending or planning to attend *an eligible institution* [a college, school of nursing, business school, or vocational school in Kentucky]. The board may require such additional security, including cosigners or other reasonable collateral securities, as it deems necessary and desirable. The purpose of such loans shall be to assist such individuals in meeting the expense of *their* [the] education [involved].

(2) To procure a policy or policies of group life insurance or other insurance to insure the repayment of loans guaranteed by the authority in the event of death or total and permanent disability or other nonpayment of any individual for whom a loan is guaranteed by the provisions of KRS 164.740 to 164.764.

(3) To *adopt rules and regulations governing the making of loans and work-study payments and the awarding of grants, monetary scholarships and honorary scholarships* [award scholarships], as provided in KRS 164.740 to 164.764[, to students who are residents of Kentucky].

(4) To enter into contracts with financial institutions, approved by the state to lend moneys, upon such terms and conditions as may be agreed upon between the authority and the financial institution, to provide for the administration of *student financial assistance programs, operated by the Board* [any loans guaranteed by the authority including applications therefor and repayment thereof].

(5) To enter into contracts with *Kentucky* educational institutions, upon such terms and conditions as may be agreed upon between the authority and the educational institution, to provide for the administration of *student financial assistance programs operated by the Board* [any loan guaranteed by the authority, including applications therefor and repayment thereof, or any scholarship granted by the authority].

(6) To receive funds from any source, public or private, by gift, grant, bequest, loan, or otherwise, either absolutely or in trust, and to expend the same, on behalf of the authority and for any of its purposes; and to acquire from any source, public or private, by purchase, lease, gift, bequest, or devise, any property, real, personal or mixed, absolutely or in trust, and to hold, administer, and dispose of the same, on behalf of

the authority and for any of its purposes; Provided, however, That the authority shall have no authority to make its debts payable out of any funds except those of the authority.

(7) To administer federal [loan] funds allotted to the state; Provided, however, That the authority has been designated as the agency to administer such funds.

(8) To sue and be sued in the name of the authority.

(9) To collect from individual borrowers loans which were guaranteed by the authority and regarding which the authority has been compelled to meet its guarantee obligations following the inability of lending institution involved to collect such loans.

(10) To *gather information on all loans, scholarships, honorary scholarships, grants and work-study opportunities* [prepare a catalog of all scholarships and aid programs of every nature whatsoever] available to *Kentucky residents* [students] attending or planning to attend *an eligible institution and to disseminate such information through such methods of mass communication as may be necessary to insure that Kentucky residents are aware of financial resources available to those attending or desiring to attend an eligible institution* [institutions of higher education]. [Such catalogs shall be provided to each high school and college library in Kentucky and made current from time to time.]

(11) To *request reports from each eligible institution it deems necessary for the effective performance of its duties and to publish such information as it deems necessary* [adopt rules and regulations, not inconsistent with law, governing the application for, the granting, administration, repayment and guarantee loans guaranteed by the authority, the award of scholarships, and governing any other matters relating to the activities of the authority].

(12) To approve educational institutions in which students may enroll and receive assistance under KRS 164.740 to 164.764.

(13) To perform such other acts as may be necessary or appropriate to carry out effectively the purposes of the authority as provided by KRS 164.740 to 164.764.

(14) If a conflict exists between KRS 164.740 to 164.764 and federal legislation, causing a loss of federal funds, the Board is authorized to establish policies consistent with the applicable federal legislation; any procedures established by general statute for resolving cases of conflict, when such conflict causes a loss of federal funds, shall apply.

Section 5. A new section of KRS 164.740 to 164.764 is created to read as follows:

(1) The rules and regulations adopted by the Board shall restrict loans, loan guarantees, grants, monetary scholarships, and work-study payments to persons who:

(a) Are classified as resident students under the terms and conditions established by the Council on Public Higher Education;

(b) Are planning to enroll or are enrolled as at least half-time students in an eligible Kentucky institution;

(c) Are not planning to enroll or are not enrolled in a course of study leading to a certificate, diploma or degree in theology, divinity or religious education; and,

(d) have been determined, by acceptable need analysis such as the Parents Confidential Statement of the American College Testing Program or such other analysis as the Authority may determine, to be in need of the assistance in order to enroll in or complete an eligible course of study.

(2) In the instance of loans the Board shall adopt rules and regulations which:

(a) Are necessary to qualify the Authority as an insured lender under Title IV, Part B, of the Higher Education Act of 1965, as amended;

(b) Require that loans be made only to those eligible students who are unable to secure comparable loans from private lenders; and,

(c) Insure that all moneys loaned to students and all other payments resulting from such loans will, in due course, be returned to the loan funds for reinvestment for loans to other students except that interest income may be used for reasonable and necessary administrative expenses of the Authority.

(3) In the instance of loan guarantees:

(a) The Board may provide loan guarantees to any student who is a resident of Kentucky and who is attending or planning to attend an eligible institution; provided, however, that he meets and continues to meet the minimum standards of that institution during his attendance thereat. The total aggregate of all loans shall not at any time exceed fifteen times the fund balance in the Loan Guarantee Fund.

(b) No loan which is guaranteed shall bear interest at a rate in excess of seven percent per annum, including all incidental expenses that may be charged by the lender. In addition, the Authority shall not under any circumstances guarantee any loan which bears interest at a rate higher than the then prevailing rate of interest which the lender charges to other persons for similar type loans which are not guaranteed by the Authority.

(c) The Board may assess a special interest charge, not to exceed one percent per annum, to defray Authority administrative costs. Any special interest charge shall be paid to the Authority by the lending agency making the loan, and the charge shall be used exclusively for the purpose of meeting the expenses of

the Authority and maintaining the available fund balance in the Loan Guarantee Fund.

(d) The interest on any loan guaranteed by the Authority shall be paid at least annually throughout the period during which the borrower is regularly pursuing his education program to which the loan is applicable.

(e) The amount of any loan to be guaranteed shall be determined on the basis of need, but in no instance shall it exceed $1,500 for any school year nor an aggregate total of $7,500.

(f) The terms and conditions of any loan guaranteed by the Authority shall not require the borrower thereof to commence the repayment of the principal amount of his loan earlier than six months following his completion or other termination of the education program for which such loan was made. Such a borrower shall not be required to repay in full any such loan earlier than within two years following completion or other termination of his education program if the principal amount of his loan does not exceed $1,000; or four years if such principal amount exceeds $1,000 but is not more than $2,000; or six years if such principal amount exceeds $2,000 but is not more than $3,000; or eight years if such principal amount exceeds $3,000 but is not more than $4,000; or ten years if such principal amount exceeds $4,000 but not more than $5,000; or twelve years if such principal amount exceeds $5,000.

(g) Exceptions to this schedule, at the discretion of the Board, may be given to students having a formal internship, residency training, or fellowship where applicable, such as in the instance of medical and dental students.

(h) If borrowers are on active duty in the Armed Forces for not more than two years, consideration shall be given to financial need in determining the period of repayment.

(4) In the instance of scholarships the Board shall adopt rules and regulations:

(a) specifying ways in which superior academic achievement or ability or special talents will be identified and measured; and

(b) to insure that the amount of scholarship to a student attending or planning to attend an eligible institution will not exceed the financial need of the student as determined in accordance with Section 4, subsection (1), paragraph (d) of this Act, or the maximum scholarship as established by the Board, whichever is less.

(5) In the instance of honorary scholarships the Board shall adopt rules and regulations to insure that those students who qualify for scholarships and those students who apply for scholarships and would qualify except for failure to satisfy the requirements of Section 4, subsection (1), paragraph (d), of this Act are appropriately recognized through the issuance of certificates of merit or achievement or other appropriate documents.

(6) In the instance of grants the Board shall adopt rules and regulations:

(a) To insure that the amount of a grant to a student will not exceed the financial need of the student as determined in accordance with Section 4, subsection (1), paragraph (d) of this Act or the maximum grant as established by the Board, whichever is less.

(b) To insure that grants be first offered to those students whose parents or others in loco parentis have the least ability to provide monetary assistance and thereafter in the order of the ability of the parents or others in loco parentis to provide monetary assistance proceeding from those with the least ability to provide monetary assistance to those with the greatest ability to provide monetary assistance until funds are exhausted.

(7) Funds appropriated to the financial assistance program established by KRS 164.780 to 164.785 shall be administered by the Board in accordance with the provisions of KRS 164.780 to 164.785.

(8) In the instance of work-study payments to students the Board shall adopt rules and regulations to determine that:

(a) The student is eligible under the provisions of Title I, Part C, of the Economic Opportunity Act of 1964, as amended;

(b) The eligible institution has an employment opportunity available for the student and that the opportunity will not interfere with the student's normal progress toward a degree, diploma or certificate;

(c) That the employment of the student will not result in the displacement of employed workers or impair existing contracts for services; and,

(d) The work-study payment will not exceed the financial need of the student as determined in accordance with Section 4, subsection (1), paragraph (d), of this Act or the maximum payment as established by the Board, whichever is less.

Section 6. KRS 164.754 is amended to read as follows:

(1) There are hereby created in the state treasury for the purpose of carrying out the purposes of KRS 164.740 to 164.764 the following special funds:

(a) A "scholarship fund" to which shall be credited all funds appropriated by the general assembly to the authority for scholarships, and all funds received from all other sources for such purposes. All general funds appropriated to this account shall become a part of this revolving account, and shall not lapse.

(b) A "loan guarantee fund" account to which shall be credited all funds appropriated by the general assembly to the authority for the purpose of guaranteeing loans to qualified students, and all funds obtained

from all other sources for such purposes. *This fund shall be a* [All general funds appropriated to this account shall become a part of this] revolving account, and shall not lapse. These funds may be invested as provided by law for the investment of Kentucky public employe retirement system funds. At any time the ratio of the aggregate total of loans made to students under KRS 164.740 to 164.764 to the amount in the loan guarantee funds becomes less than fifteen (15) to one (1), the board shall transfer a sufficient amount of funds to the state general fund appropriation to bring the ratio up to that sum; Provided, however, That the funds transferred shall not exceed the amount appropriated by the general assembly for the guarantee of loans.

(c) An "administration" account to which shall be credited all funds appropriated by the general assembly to the authority for administration and all funds received *from loan funds authorized for administrative costs* [from the special interest charge. Any balance in this account at the closing of the fiscal year shall be transferred to the "loan guarantee fund" account].

(d) A "Loan fund" to which shall be credited all funds appropriated by the General Assembly for loans and all funds received from all other sources for such purposes. All general funds appropriated to this account shall become a part of this revolving account and shall not lapse. These funds may be invested as provided for the investment of Kentucky Public Employee Retirement System Funds. Interest income and other income from loans or other investments may be transferred to the "Administration" account to cover the reasonable and necessary administrative expenses of the authority related to administering loans authorized in this subsection.

(e) A "Grant Fund" to which shall be credited all funds appropriated by the General Assembly for grants and all funds received from all other sources for such purposes.

(f) A "Work-Study Fund" to which shall be credited all funds appropriated by the General Assembly for work-study payments and all funds received from all other sources for such purposes.

(2) *The only expenditures to be made from the Loan Fund shall be for loans; t*[T]he only expenditures authorized to be made from the scholarship fund [account] shall be for scholarships;[, and] the only expenditures authorized to be made from the loan guarantee fund [account] shall be for the payment of default accounts and insurance on borrowers;. *the only expenditures to be made from the Grant Fund shall be for grants; the only expenditure to be made from the Work-Study Fund shall be for payments to students* [Funds may be transferred from the loan guarantee fund to the scholarship fund as provided in KRS 164.750 (2) (b).]

Section 7. KRS 164.756 is amended to read as follows:

Any person otherwise qualifying for *an education loan advanced or guaranteed or approved by the authority or a National Direct Student Loan as authorized by the National Defense Education Act of 1958, as amended, or a Federally Guaranteed Student loan as authorized by the Higher Education Act of 1965, as amended,* [a loan guaranteed by the Kentucky higher education assistance] shall not be disqualified by reason of his being under the age of *eighteen (18)* [twenty-one (21)] years; and any such person, for the purpose of applying for, receiving, and repaying such loan, notwithstanding the provisions of existing laws, shall be deemed to have full capacity to act and shall have all the rights, powers, privileges, and obligations of a person of full age with respect thereto.

Section 8. KRS 164.750 and 164.752 are repealed.

The Committee on Elections and Constitutional Amendments reported **HB 754, HJR 78,** and **SB 183** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 754, AN ACT proposing an amendment to Section 170 of the Constitution of Kentucky relating to property exempt from taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 170 of the Constitution of Kentucky be amended to read as follows:

There shall be exempt from taxation public property used for public purposes; places actually used for religious worship, with the grounds attached thereto and used and appurtenant to the house of worship, not exceeding one-half acre in cities or towns, and not exceeding two acres in the country; places of burial not held for private or corporate profit, institutions of purely public charity, and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education, public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister

of any religion, with not exceeding one-half acre of ground in towns and cities and two acres of ground in the country appurtenant thereto; household goods of a person used in his home; [a homestead, which is a single-unit residential property maintained by the owner, who is sixty-five years of age or older, as his personal residence, up to the assessed valuation of sixty-five hundred dollars on said residence and contiguous real property, except for assessment for special benefits;] crops grown in the year in which the assessment is made, and in the hands of the producer; *and real property maintained as the permanent residence of the owner, who is sixty-five years of age or older, up to the assessed valuation of sixty-five hundred dollars on said residence and contiguous real property, except for assessment for special benefits. The real property may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by the stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years. The exemption shall apply only to the value of the real property assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which his interest in the corporation bears to the assessed value of the property. The exemption shall also apply to the value of a single unit within any multi-family building, multi-purpose building or apartment house when such structure is owned in its entirety.* [and all] *All* laws exempting or omitting property from taxation other than the property above mentioned shall be void. The General Assembly may authorize any incorporated city or town to exempt manufacturing establishments from municipal taxation, for a period not exceeding five years, as an inducement to their location.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

HR 78, A JOINT RESOLUTION calling for the General Assembly of the Commonwealth of Kentucky to withdraw its ratification of a proposed amendment to the Constitution of the United States, relative to equal rights for men and women.

WHEREAS, at the First Extraordinary Session of the 1972 General Assembly of the Commonwealth of Kentucky, by Joint Resolution, ratified an amendment to the Constitution of the United States proposed by House Joint Resolution 208 of the Ninety-Second Congress (Second Session), proposing an amendment to the Constitution of the United States relative to equal rights for men and women and reading as follows:

Joint Resolution

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress;

Article

Section 1. Equality of rights under law shall not be denied or abridged by the United States or any state on account of sex.

Section 2. The Congress shall have the power to enforce by appropriate legislation the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification.

WHEREAS, it is the desire of the General Assembly of the Commonwealth of Kentucky that the Joint Resolution of the General Assembly of the Commonwealth of Kentucky ratifying the amendment be withdrawn;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Joint Resolution adopted by the General Assembly of the Commonwealth of Kentucky at the First Extraordinary Session of 1972 ratifying the amendment to the Constitution of the United States proposed by House Joint Resolution 208 (Second Session) proposing an amendment to the Constitution of the United States relative to equal rights for men and women, as aforesaid, be, and same is hereby withdrawn.

Section 2. That copies of this resolution, duly certified by the Secretary of State of the Commonwealth of Kentucky with the Great Seal of Kentucky attached thereto, be sent to the Administrator of General Services of the United States, Washington, D. C., to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States. The Secretary of State of this Commonwealth shall also cause certified copies of the resolution to be sent to the Governor of each of the

United States.

SB 183, AN ACT proposing an amendment to the Constitution of Kentucky relating to the Judicial Branch of Government.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that the present Constitution of Kentucky be amended by repealing present Sections 109 through 139, 141 and 143, and enacting in lieu thereof provisions to read, be numbered and be entitled as follows:

THE JUDICIAL DEPARTMENT

Section 109. *The judicial power; unified system; impeachment.* The judicial power of the Commonwealth shall be vested exclusively in one Court of Justice which shall be divided into a Supreme Court, a Court of Appeals, a trial court of general jurisdiction known as the Circuit Court and a trial court of limited jurisdiction known as the District Court. The court shall constitute a unified judicial system for operation and administration. The impeachment powers of the General Assembly shall remain inviolate.

The Supreme Court

Section 110. *Composition; jurisdiction; quorum; special justices; districts; Chief Justice.* (1) The Supreme Court shall consist of the Chief Justice of the Commonwealth and six Associate Justices.

(2)(a) The Supreme Court shall have appellate jurisdiction only, except it shall have the power to issue all writs necessary in aid of its appellate jurisdiction, or the complete determination of any cause, or as may be required to exercise control of the Court of Justice.

(b) Appeals from a judgment of the Circuit Court imposing a sentence of death or life imprisonment or imprisonment for twenty years or more shall be taken directly to the Supreme Court. In all other cases, criminal and civil, the Supreme Court shall exercise appellate jurisdiction as provided by its rules.

(3) A majority of the Justices of the Supreme Court shall constitute a quorum for the transaction of business. If as many as two Justices decline or are unable to sit in the trial of any cause, the Chief Justice shall certify that fact to the Governor, who shall appoint to try the particular cause a sufficient number of Justices to constitute a full court for the trial of the cause.

(4) The Court of Appeals districts existing on the effective date of this amendment to the Constitution shall constitute the initial Supreme Court districts. The General Assembly thereafter may redistrict the Commonwealth, by counties, into seven Supreme Court districts as nearly equal in population and as compact in form as possible. There shall be one Justice from each Supreme Court district.

(5)(a) The Justices of the Supreme Court shall elect one of their number to serve as Chief Justice for a term of four years.

(b) The Chief Justice of the Commonwealth shall be the executive head of the Court of Justice and he shall appoint such administrative assistants as he deems necessary. He shall assign temporarily any Justice or Judge of the Commonwealth, active or retired, to sit in any Court other than the Supreme Court when he deems such assignment necessary for the prompt disposition of causes. The Chief Justice shall submit the budget for the Court of Justice and perform all other necessary administrative functions relating to the court.

The Court of Appeals

Section 111. *Composition; jurisdiction; administration; panels.* (1) The Court of Appeals shall consist initially of fourteen judges, an equal number to be selected from each Supreme Court district. The number of judges thereafter shall be determined from time to time by the General Assembly upon certification of necessity by the Supreme Court.

(2) The Court of Appeals shall have appellate jurisdiction only, except that it may be authorized by rules of the Supreme Court to review directly decisions of administrative agencies of the Commonwealth, and it may issue all writs necessary in aid of its appellate jurisdiction, or the complete determination of any cause within its appellate jurisdiction. In all other cases, it shall exercise appellate jurisdiction as provided by law.

(3) The Judges of the Court of Appeals shall elect one of their number to serve as Chief Judge for a term of four years. The Chief Judge shall exercise such authority and perform such duties in the administration of the Court of Appeals as are prescribed in this section or as may be prescribed by the Supreme Court.

(4) The Court of Appeals shall divide itself into panels of not less than three judges. A panel may decide a cause by the concurring vote of a majority of its Judges. The Chief Judge shall make assignments of Judges to panels. The Court of Appeals shall prescribe the times and places in the Commonwealth at which each panel shall sit.

The Circuit Court

Section 112. *Location; circuits; composition; administration; jurisdiction.* (1) Circuit Court shall be held in each county.

(2) The Circuit Court Districts existing on the effective date of this amendment to the Constitution shall continue under the name "Judicial Circuits," the General Assembly having power upon certification of the necessity therefor by the Supreme Court to reduce, increase or rearrange the Judicial Districts. A Judicial Circuit composed of more than one county shall be as compact in form as possible and of contiguous counties. No county shall be divided in creating a Judicial Circuit.

(3) The number of Circuit Judges in each district existing on the effective date of this amendment shall continue, the General Assembly having power upon certification of the necessity therefor by the Supreme Court, to change the number of Circuit Judges in any Judicial Circuit.

(4) In a Judicial Circuit having only one Judge, he shall be the Chief Judge. In Judicial Circuits having two or more Judges, they shall select biennially a Chief Judge, and if they fail to do so within a reasonable time, the Supreme Court shall designate the Chief Judge. The Chief Judge shall exercise such authority and perform such duties in the administration of his Judicial Circuit as may be prescribed by the Supreme Court. The Supreme Court may provide by rules for administration of Judicial Circuits by regions designated by it.

(5) The Circuit Court shall have original jurisdiction of all justiciable causes not vested in some other court. It shall have such appellate jurisdiction as may be provided by law.

The District Court

Section 113. *Location; districts; composition; administration; trial commissioners; jurisdiction.*

(1) District Court shall be held in each county.

(2) The Circuit Court Districts existing on the effective date of this amendment shall continue for District Court purposes under the name "Judicial Districts," the General Assembly having power upon certification of the necessity therefor by the Supreme Court to reduce, increase or rearrange the districts. A Judicial District composed of more than one county shall be as compact in form as possible and of contiguous counties. No county shall be divided in creating a Judicial District.

(3) Each Judicial District created by this amendment initially shall have at least one District Judge who shall serve as Chief Judge and there shall be such other District Judges as the General Assembly shall determine. The number of District Judges in each Judicial District thereafter shall be determined by the General Assembly upon certification of necessity therefor by the Supreme Court.

(4) In a Judicial District having only one Judge he shall be the Chief Judge. In those districts having two or more Judges they shall select biennially a Chief Judge and if they fail to do so within a reasonable time, the Supreme Court shall designate the Chief Judge. The Chief Judge shall exercise such authority and perform such duties in the administration of his district as may be prescribed by the Supreme Court.

(5) In any county in which no District Judge resides the Chief Judge of the district shall appoint a Trial Commissioner who shall be a resident of such county and who shall be an attorney if one is qualified and available. Other Trial Commissioners with like qualifications may be appointed by the Chief Judge in any Judicial District upon certification of the necessity therefor by the Supreme Court. All Trial Commissioners shall have power to perform such duties of the District Court as may be prescribed by the Supreme Court.

(6) The District Court shall be a court of limited jurisdiction and shall exercise original jurisdiction as may be provided by the General Assembly.

Clerks of Courts

Section 114. *Selection; removal.* (1) The Supreme Court shall appoint a clerk to serve as it shall determine.

(2) The Court of Appeals shall appoint a clerk to serve as it shall determine.

(3) The clerks of the Circuit Court shall be elected in the manner provided elsewhere in this Constitution. The clerks of the Circuit Court shall serve as the clerks of the District Court. The clerks of the Circuit Court shall be removable from office by the Supreme Court upon good cause shown.

Appellate Policy; Rule-Making Power

Section 115. *Right of appeal; procedure.* In all cases, civil and criminal, there shall be allowed as a matter of right at least one appeal to another court, except that the Commonwealth may not appeal from a judgment of acquittal in a criminal case, other than for the purpose of securing a certification of law, and the General Assembly may prescribe that there shall be no appeal from that portion of a judgment dissolving a marriage. Procedural rules shall provide for expeditious and inexpensive appeals. Appeals shall be upon the record and not by trial de novo.

Section 116. *Rules governing jurisdiction, personnel, procedure, Bar membership.* The Supreme Court shall have the power to prescribe rules governing its appellate jurisdiction, rules for the appointment of commissioners and other court personnel, and rules of practice and procedure for the Court of Justice. The Supreme Court shall, by rule, govern admission to the Bar and the discipline of members of the Bar.

Offices of Justices and Judges

Section 117. *Election.* Justices of the Supreme Court and Judges of the Court of Appeals, Circuit and District Court shall be elected from their respective districts or circuits on a nonpartisan basis as provided by law.

Section 118. *Vacancies.* (1) A vacancy in the office of a Justice of the Supreme Court, or of a Judge of the Court of Appeals, Circuit or District Court which under Section 152 of this Constitution is to be filled by appointment by the Governor shall be filled by the Governor from a list of three names presented to him by the appropriate Judicial Nominating Commission. If the Governor fails to make an appointment from the list within sixty days from the date it is presented to him, the appointment shall be made from the same list by the Chief Justice of the Supreme Court.

(2) There shall be one Judicial Nominating Commission for the Supreme Court and the Court of Appeals, one for each Judicial Circuit, and one for each Judicial District, except that a circuit and district having the same boundary shall have but one Judicial Nominating Commission. Each commission shall consist of seven members, one of whom shall be the Chief Justice of the Supreme Court, who shall be chairman. Two members of each commission shall be members of the Bar, who shall be elected by their fellow members. The other four members shall be appointed by the Governor from among persons not members of the Bar, and these four shall include at least two members of each of the two political parties of the Commonwealth having the largest number of voters. Members of a Judicial Circuit or Judicial District Nominating Commission must be residents of the circuit or district, respectively, and the lawyer members of the commission shall be elected by the members of the Bar residing in the circuit or district, respectively. The terms of office of members of Judicial Nominating Commissions shall be fixed by the General Assembly. No person shall be elected or appointed a member of a Judicial Nominating Commission who holds any other public office or any office in a political party or organization.

Section 119. *Terms of office.* Justices of the Supreme Court and Judges of the Court of Appeals and Circuit Court shall severally hold their offices for terms of eight years, and Judges of the District Court for terms of four years. All terms commence on the first Monday in January next succeeding the regular election for the office. No Justice or Judge may be deprived of his term of office by redistricting, or by a reduction in the number of Justices or Judges.

Section 120. *Compensation; expenses.* All Justices and Judges shall be paid adequate compensation which shall be fixed by the General Assembly. All compensation and necessary expenses of the Court of Justice shall be paid out of the State Treasury. The compensation of a Justice or Judge shall not be reduced during his term.

Section 121. *Retirement and removal.* Subject to rules of precedure to be established by the Supreme Court, and after notice and hearing, any Justice of the Supreme Court or Judge of the Court of Appeals, Circuit Court or District Court may be retired for disability or suspended without pay or removed for good cause by a commission composed of one Judge of the Court of Appeals, selected by that Court, one Circuit Judge and one District Judge selected by a majority vote of the Circuit Judges and District Judges, respectively, one member of the Bar appointed by its governing body, and two persons, not members of the Bench or Bar, appointed by the Governor. The commission shall be a State body whose members shall hold office for four-year terms. Its actions shall be subject to judicial review by the Supreme Court.

Section 122. *Eligibility.* To be eligible to serve as a Justice of the Supreme Court or a Judge of the Court of Appeals, Circuit Court or District Court a person must be a citizen of the United States, licensed to practice law in the Courts of this Commonwealth, and have been a resident of this Commonwealth and of the district from which he is elected for two years next preceding his taking office. In addition, to be eligible to serve as a Justice of the Supreme Court or Judge of the Court of Appeals or Circuit Court a person must have been a licensed attorney for at least eight years. No District Judge shall serve who has not been a licensed attorney for at least two years.

Section 123. *Prohibited activities.* During his term of office, no Justice of the Surpeme Court or Judge of the Court of Appeals, Circuit Court or District Court shall engage in the practice of law, or run for elective office other than judicial office, or hold any office in a political party or organization.

Section 124. *Conflicting provisions.* Any remaining sections of the Constitution of Kentucky as it existed prior to the effective date of this amendment which are in conflict with the provisions of amended Sections 110 through 125 are repealed to the extent of the conflict, but such amended sections are not intended to repeal those parts of Sections 140 and 142 conferring nonjudicial powers and duties upon County Judges and Justices of the Peace. Nothing in such amended sections shall be construed to limit the powers otherwise granted by this Constitution to the County Judge as the chief executive, administrative and fiscal officer of the county, or to limit the powers otherwise granted by the Constitution to the Justices of the Peace or County Commissioners as executive, administrative and fiscal officers of a county, or of the Fiscal Court as a governing body of a county.

Section 2. It further is proposed as a part of this amendment and as a schedule of transitional provisions, for the purposes of this amendment, that:

1. The Judges of the Court of Appeals in office on the effective date of this amendment shall become Justices of the Supreme Court, for the duration of their terms, and the election of successors shall be in accordance with those terms.

2. The Circuit Judges in office on the effective date of this amendment shall be continued therein for the duration of their terms. The term of office of eight years provided in this amendment for Circuit Judges shall apply to the Circuit Judges elected at the election at which this amendment is adopted.

3. The term of office of Judges of the Court of Appeals created by this amendment shall be deemed to commence as of the first Monday in January, 1976. The vacancies existing on that date by virtue of no election having been held for the office in November, 1975 shall be filled in accordance with Section 152 of the present Constitution and Section 118 as created by this amendment.

4. The term of office of Judges of the District Court shall be deemed to commence as of the first Monday in January, 1978, and judges shall be elected at the regular election next preceding that date. The District Court shall be constituted and organized as of the first Monday in January, 1978.

5. The quarterly courts, county courts as judicial bodies, justices' courts and police courts in existence on the effective date of this amendment shall continue in existence until the first Monday in January, 1978. For that period those courts shall continue to be governed by the present Constitution and none of the provisions of this amendment shall apply to them, except that those courts shall be deemed a part of the unified judicial system and shall be subject to the general control and rule-making power of the Supreme Court. The terms of any police court judges which commence on the first Monday in January, 1976, shall be reduced to two years from that date.

6. The Clerk of the Court of Appeals elected at the election at which this amendment is adopted shall serve as Clerk of the Supreme Court for the term for which he was elected, subject to removal by the Supreme Court for good cause.

7. Until otherwise provided by law the statutes applicable to the present Court of Appeals and not inconsistent with this amendment shall apply to the Supreme Court.

8. All causes and proceedings pending in the present Court of Appeals on the effective date of this amendment are transferred to and shall be decided or otherwise disposed of by the Supreme Court.

9. All causes and proceedings pending in the quarterly courts, county courts as judicial bodies, justices' courts and police courts, on the first Monday in January, 1978, shall then be transferred to and decided by the Circuit Court or the District Court of the area, in accordance with the respective jurisdictions prescribed for the latter courts.

Section 3. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for in Sections 256 and 257 of the Constitution of Kentucky and in KRS 119.420, and if so ratified, shall become effective on January 1, 1976.

The Committee on Health and Welfare reported **HB 143,** with Committee Amendment attached thereto, **HB 256, HB 417, HB 469, HB 526** with Committee Amendment attached thereto, **HB 657, HB 730, HB 737, HB 746, HB 862, HR 76, SB 158,** and **SB 204** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 143, AN ACT relating to rabies control.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 258.005 is amended to read as follows:

As used in KRS 258.005 to 258.085 and subsections (1) and (2) of KRS 258.990, unless the context requires otherwise:

(1) "Dog" means any member of the canine family[, six (6) months of age or over];

(2) "Owner," when applied to the proprietorship of a dog, includes every person having a right of property in the dog and every person who keeps or harbors the dog or has it in his care, or permits it to remain on or about premises owned or occupied by him; [:]

(3) "Veterinarian" means a licensed practitioner of veterinary medicine[, accredited by the bureau of animal industry, United States department of agriculture];

(4) "Qualified person" means a person granted a permit by the state board of health to vaccinate animals against rabies[;] and may include owners or operators of licensed kennels;

(5) "Vaccination" means the injection by a veterinarian or other qualified person of vaccine approved by, and administered in accordance with the regulations of the state board of health.

Section 2. KRS 258.015 is amended to read as follows:

[On or before the first of July, 1954 and of each year thereafter,] *E*[e]very owner shall have his dog *initially* vaccinated *and re-vaccinated* against rabies[.] *at such age and intervals as is prescribed by regulation of the state board of health.* The veterinarian or qualified person who vaccinates a dog shall issue to the owner thereof a vaccination certificate on a form prescribed and supplied by the state department of health. The vaccination certificate shall be prepared and issued in triplicate, one (1) copy to be retained by the issuing veterinarian or other qualified person, one (1) copy to be given to the owner of the dog vaccinated, and one (1) copy to be forwarded by the veterinarian or qualified person to the local health department, or, if none is maintained, to the state department of health. Each certificate shall bear the name and address of the veterinarian or qualified person who issued it and a serial number. The veterinarian or qualified person shall also furnish each owner with a metal tag bearing the certificate number and the year of vaccination. The tag may bear the name of the veterinarian or qualified person issuing it. It shall be affixed by the owner to a collar or harness furnished by him and shall be worn by the dog for which the certificate was issued. No one except the owner or his duly authorized agent shall remove the collar with the attached tag from the dog. *Prior to their initial officially recorded vaccination against rabies all dogs shall be confined to the premises of the owner or kept under physical restraint by the owner.*

Section 3. KRS 258.025 is amended to read as follows:

The state board of health, in its sound discretion may by such rules and regulations as it deems advisable:

(1) Exempt from the provisions of KRS 258.015 the owners of dogs in any county or counties in which the incidence of rabies decreases sufficiently to warrant this action;

[(2) Extend the period required for re-vaccination if a vaccine is developed which will give longer periods of immunity;]

2 [(3)] Exempt from the provisions of KRS 258.015 the owners of dogs which are brought into this state for a period not to exceed thirty (30) days.

Section 4. A new section of KRS Chapter 258 is created to read as follows:

(1) Whenever a local board of health determines or is notified by the state department of health that the rabies immunization level among dogs is low in the county or any portion thereof, the local health department shall sponsor and conduct mass immunization clinics at strategic locations and intervals throughout the area designated. The local health department may provide vaccine, supplies, clerical and supportive staff, and contract with veterinarians to administer the vaccine; provided, however, that if the services of verinarians are not available in the area the local health department may contract with other qualified persons designated by the state department of health. Local health departments may prescribe and collect reasonable fees from each owner to help defray the cost of the clinic program, but in no event shall the fee exceed the actual cost of vaccinating the animal.

(2) Vaccination and licensing procedures may be jointly conducted at such clinics.

(3) No owner shall be required to have his dog vaccinated at a public clinic if he elects to have his dog vaccinated by a veterinarian of his choice.

Section 5. KRS 258.085 is amended to read as follows:

A health officer or his agent shall have the authority to quarantine for a period not to exceed *180* [ninety (90) days] any animal bitten by another animal known or suspected to have rabies, and to quarantine for a period not to exceed *10* [fourteen (14) days] any animal which has bitten a human being or which exhibits symptoms of rabies. An animal so quarantined may be confined by the health officer at a designated place at the owner's expense. Whenever a dog dies with rabies or is suspected of having died with rabies or is destroyed because of having been suspected of being rabid, the owner thereof, whether the dog had been previously quarantined or not, shall at his own expense send the head of such dog to a laboratory approved by the state board of health in the manner prescribed by the rules and regulations of the state board of health.

Section 6. A new section of KRS Chapter 258 is created to read as follows:

Any city legislative body or fiscal court may, by the adoption of an appropriate ordinance or resolution, provide for more stringent regulation of rabies control in dogs, cats, and other animals than set forth in this chapter.

Section 7. KRS 258.045 is repealed.

The Committee Amendment to **HB 143** is as follows:

Amend printed copy of House Bill 143 on page 2, line 8, by inserting after the word "vaccinated" the words "at the age of four (4) months"

and on page 2, line 8 by inserting after the word "re-vaccinated" the words "every three (3) years thereafter"

and on page 2, line 8 by deleting the brackets around the period after the word "rabies"

and on page 2, lines 8 through 10 by deleting the words "at such age and intervals as prescribed by regulation of the state board of health."

and on page 3, lines 5 through 8 by deleting the sentence beginning with the word "Prior" and ending with the word "owner."

and on page 4, lines 11 through 15 by deleting the sentence beginning with the word "Local" and ending with the word "animal"

and on page 4, line 25 by deleting the bracket after the word "days" and inserting it after the number "(90)"

and on page 5, line 1 by deleting the bracket after the word "days" and inserting the bracket after the number "(14)"

and on page 5, line 20 by deleting the entire section 7

HB 256, AN ACT relating to preferred status for products of the blind.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 42.075 is amended to read as follows:

Where the products , *services, processes, packaging, and modifications* of the blind produced under the supervision and direction of the Kentucky industries for the blind meet the requirements of state offices, departments, institutions and agencies of the commonwealth as to quality, quantity and price, such products , *services, processes, packaging and modifications* shall have preference in all purchases by and for such state offices, departments, institutions and agencies. The price charged for the products , *services, processes, packaging and modifications* shall, in no case, exceed the price quoted to other consumers. The bureau of rehabilitation services in the department of education shall, from time to time, cause to be made available to the division of purchases, lists of the products , *services, processes, packaging and modifications* of the Kentucky industries of the blind.

HB 417, AN ACT relating to dogs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 258.135 is amended to read as follows:

On [or before July 1, 1954, and on] or before July 1 of each year [thereafter], the owner of any dog six (6) months old or over shall apply to the dog warden of the county in which he resides for a license for each dog owned or kept by him. The application shall be accompanied by a license fee of *two dollars and fifty cents ($2.50)* [one dollar and fifty cents ($1.50)] for each dog. [Any license issued for the year of 1954 before July 1, 1954, shall be effective until July 1, 1955.] Dog wardens shall be agents of the commonwealth in the collection of the license fees provided for herein, unless the department determines, with the approval of the governor, to issue all licenses either directly or through other agents. For services rendered in collecting and paying over the same, dog wardens shall be allowed to retain the sum of *fifty cents (.50)* [twenty-five cents (25)] for each license. The balance of the license fee collected shall be paid to the department on or before the 15th day of each next succeeding month and shall be credited to the livestock fund. If the committee finds it to be in the interest of maximum enforcement of this chapter to permit certain other portions of the license fee to be retained by the respective counties for use in such enforcement, the department may allow such portions of the license fee to be so retained by the counties.

Section 2. KRS 258.195 is amended to read as follows:

(1) [On or before July 1, 1954 the fiscal court of each county shall employ a dog warden. On or before July 1, 1955] *T*[t]he fiscal court of each county *shall employ a dog warden and* shall establish and

maintain a dog pound as a means of facilitating and administration of this chapter. In counties of small population, arrangements may be made for the joint establishment and operation of dog pounds by two (2) or more counties on a mutually satisfactory basis. Instead of setting up pounds, one or more counties acting jointly may take advantage of the facilities of suitable pounds already in operation by counties, cities, humane societies, or other organizations or individuals. Fiscal courts may adopt and enforce regulations relative to pound standards, the naming of persons who shall serve as dog wardens, providing for the fixing of salaries of wardens and assistants, and such other matters that may be incidental to efficient and proper operation of the dog pound plan[.]*; however, dog pounds shall be kept in a sanitary and humane manner and shall contain isolation quarters.*

(2) As a means of providing a portion of the funds for setting up and operating dog pounds, *one dollar ($1)* [fifty cents (50)] out of the *two dollars and fifty cents ($2.50)* [one dollar and fifty cents ($1.50)] paid for every dog license sold in each county shall be credited by the department to a special enforcement fund to be refunded to the respective counties on a pro rata basis determined by the licenses sold in each county, and shall be used in meeting expenses of the dog warden and the dog pound plan.

(3) Dog wardens may be designated as agents of the department for purposes of appraising livestock losses pursuant to KRS 258.275.

(4) Dog wardens shall be bonded for the faithful and lawful execution of their duties. The amount of the bond shall be determined by the fiscal court and shall be paid for by the fiscal court. The minimum amount of the bond shall be five hundred dollars ($500).

Section 3. KRS 258.275 is amended to read as follows:

(1) Any owner or keeper of a dog which has killed or injured livestock or poultry or which has bitten such livestock or poultry so severely as to necessitate its destruction, or injured or damaged any person or property, shall be liable to the owner of such livestock or poultry, or person in a civil action for all damages and costs, or to the commonwealth.

(2) Whenever any person sustains any loss or damage to any livestock or poultry by dogs, or any livestock or poultry of any person is necessarily destroyed because of having been bitten by a dog, except when such loss, destruction or damage shall have been caused by a dog harbored by the owner of such livestock or poultry, such person or his agent or attorney may, immediately after the damage is done, complain to a duly authorized agent of the department. Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where, and how much damage was done, and by whose dog or dogs, if known. Upon receipt of such complaint, the agent of the department shall at once examine the place where the alleged loss or damage was sustained and the livestock or poultry injured or killed, and shall examine under oath or affirmation, any witnesses called before him. After making diligent inquiry in relation to such claim, such agent, acting as appraiser, shall determine whether any damage has been sustained and the amount thereof and, if possible, who was the owner of the dog or dogs by which such damage was done. If the owner does not agree as to the amount of damage allowed by the appraiser, the owner and appraiser may appoint a disinterested citizen to assist in determining the amount of damages sustained. For such services, the said disinterested citizen shall receive two dollars ($2.00) and mileage at seven cents (7) per mile for the distance traveled, which shall be paid by the owner and considered as part of the costs in such claim.

(3) In addition to the claims for damages provided in subsection (2) of this section, whenever any person sustains any loss or damage to his or her person or property as a result of being bitten by a dog, such person shall make complaint in writing to a duly authorized agent of the department stating when, where, and how much damage was done, and by whose dog or dogs, if known. Upon receipt of such complaint said agent shall investigate and ascertain the extent of the claim, and if approved, make an appraisal of the damages. If any person sustaining a loss does not agree to amount of damages allowed by the appraiser, the person making claim and the appraiser, may appoint a disinterested person to assist in determining the amount of damages sustained. No payment made out of the livestock fund for claims under this section shall exceed one hundred dollars ($100), and no payment shall be made until claimant shall certify that no payment was made by owner of dog or dogs doing injury.

(4) No claims from the livestock fund shall be paid within a county unless the county sells annually a minimum of two hundred (200) dog licenses.

HB 469, AN ACT relating to the use of school buses for older, handicapped and isolated persons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 160 is created to read as follows:

(1) Any school district in the Commonwealth may provide free or low-cost transportation on school buses to persons who are:

(a) 62 years of age or older;

(b) Physically or mentally handicapped; and

(c) Of any age and who live in isolated places not otherwise accessible to public transportation.

(2) The purposes and routes of such transportation may be determined by the school district and may be provided during periods when the buses are not needed for transportation of students to or from school or school activities. For this purpose, a school district may issue bus passes or tokens to such persons.

Section 2. A new section of KRS Chapter 160 is created to read as follows:

(1) If a school district adopts a plan to provide transportation services to persons authorized by section (1) of this Act and the plan is approved by the Department for Human Resources, the school district may apply for and accept funds to support the provision of transportation services from any source, including:

(a) Grants and other funds made available by the federal government under the Social Security Act, the Older Americans Act, or under any other federal legislation; and

(b) Bequests, gifts, contributions or other funds provided by any individual, corporation, association or public authority.

(2) If a school district applies for financial assistance from the federal government subsequent to approval of a transportation plan as authorized under this Act by the Department for Human Resources, the department may contract with the federal government and the school district, or either of them, to provide supplemental financial assistance from funds made available by the Commonwealth.

(3) If available federal funds to provide transportation services in any school district to persons authorized by section (1) of this Act and under a plan approved by the Department for Human Resources, do not provide, on an annual basis, at least 50 percent of the annual cost of providing such services, then the State Treasurer may pay to the school district, to the extent of the amount appropriated for the purpose and on an annual basis, a sum which together with available federal funds will provide up to 50 percent of the annual cost of providing the transportation services.

Section 3. A new section of KRS Chapter 160 is created to read as follows:

(1) Any school district which receives funds from the Commonwealth to provide transportation services to persons authorized by section (1) of this Act, shall file with the Department for Human Resources:

(a) A copy of the plan for the operation of such transportation services; and

(b) An annual report of the operation's general condition, capitalization, if any, its finances, the manner in which it is operated, and its compliance with all provisions of law.

(2) Any school district which receives funds from the Commonwealth to provide such transportation services shall hold the financial records of the operation of those services open for inspection by the Department for Human Resources.

Section 4. A new section of KRS Chapter 160 is created to read as follows:

(1) When evaluating a proposed plan for the provision of transportation services which is submitted by a school district, the Department for Human Resources, with the cooperation of other concerned state departments or agencies, shall include consideration of:

(a) The estimated number of eligible persons who would benefit from the proposed services;

(b) The adequacy of the proposed service; and

(c) Any other factor which the Department for Human Resources deems necessary.

(2) The Department for Human Resources shall review annually the operation of any such transportation service for persons authorized under section (1) of this Act which is receiving funds from the Commonwealth and may order the suspension of the Commonwealth's funds for cause as determined by the department.

Section 5. A new section of KRS Chapter 160 is created to read as follows:

If the Department for Human Resources orders the suspension of the Commonwealth's funds under this Act, then upon the request of the affected school district, the Department shall hold a prompt hearing of the matter. Such hearing shall be conducted in such a manner as to give all interested parties an opportunity to present their views.

HB 526, AN ACT relating to the information to be recorded on certificates of birth by the Division of Vital Statistics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 213.050 is amended to read as follows:

(1) The attending physician or midwife shall sign and file a certificate of birth with the local registrar of the district in which the birth occurred within ten (10) days after the date of birth. The certificate shall be properly and completely filled out, and shall contain *the name and social security number of the mother and father,* the date of signature, the address, and all the information required by this chapter. No physician or midwife shall refuse to file or delay the filing of a birth certificate because obstetrical fees have not been paid. If the mother of a child informs the physician, midwife, or a person prescribed by subsection (2) of this section that the child was born out of wedlock, the name *and social security number* of the father *may* [shall not] be inserted in the birth certificate , *but in the event that the name of the father is not inserted,* [and] the certificate of birth of said child shall be in the surname of the mother. However, the director of the division of vital statistics shall insert the *full* name *and social security number* of the father *and the mother,* and change the name of the child to the surname of the father if paternity is established in a legal action, or if an affidavit is filed stating that the affiant is the father of the child.

(2) If there is no attending physician or midwife, the father or mother of the child, or the head of the household, owner of the premises, or manager or superintendent of the public or private institution in which the birth occurred shall notify the local registrar, within ten (10) days after the date of birth, of the fact of the birth.

(3) Upon receipt of notice of birth, as provided in subsection (2) of this section, the local registrar shall then secure the necessary information to make a proper certificate of birth, and shall present it to the person who gave him notice of the fact of birth, who shall sign the certificate.

(4) The certificate of birth shall be prescribed and furnished by the state department of health and shall be designed with due consideration for national uniformity. All certificates shall be written legibly, in unfading ink, or typewritten. No certificate shall be held to be complete and correct that does not supply all items of information called for therein, or satisfactorily account for their omission except as provided in subsection (3) of KRS 199.570. If a certificate of birth is incomplete, the registrar shall immediately notify the informant, and require him to supply the missing items if they can be obtained.

The Committee Amendment to **HB 526** is as follows:

Amend printed copy of House Bill 526 on page 1, line 8, by inserting a comma after the word "mother" and by deleting the word *"and"* after the word *"mother"*

and on page 1, line 9 by inserting after the comma following the word *"father"* the words *"and child"*

and on page 1, line 16 by deleting the words *"and social security number"*

and on page 1, line 16 by deleting after the word "father" the word *"may"* and by deleting the brackets around the words "shall not"

and on page 1, lines 17 and 18 by deleting after the word "certificate" the words *", but in the event that the name of the father is not inserted,"*

and on page 1, line 18 by deleting the brackets around the word "and"

and on page 3, line 8 by adding a new subsection (5) *"(5) The provisions of this Act shall be effective July 1, 1975."*

HB 657, AN ACT relating to the recovery of child support from responsible parents whose children are receiving public assistance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 205 is created to read as follows:
This act shall be known and may be cited as the Child Support Recovery Act.
Section 2. A new section of KRS Chapter 205 is created to read as follows:
As used in this Act, unless the context clearly dictates otherwise:
(1) "Department" shall mean the Department for Human Resources;

(2) "Secretary" shall mean the Secretary of the Department for Human Resources;

(3) "Court order" shall mean any judgment, decree, or order of the courts of this state or any other state;

(4) "Dependent child" or "needy dependent child" shall mean any person under the age of eighteen (18) who is not otherwise emancipated, self-supporting, married or a member of the armed forces of the United States and is a recipient of or applicant for public assistance;

(5) "Duty of support" shall mean any duty of support imposed or imposable by law or by court order, decree or judgment, whether interlocutory or final, and includes the duty to pay arrearages of support past due and unpaid;

(6) "Parent" shall mean the natural or adoptive parents and includes the father of a child born out of wedlock if paternity has been established in a judicial proceeding or in any manner consistent with the laws of this state;

(7) "Recipient" shall mean a relative or payee within the meaning of the Social Security Act and federal and state regulations who is receiving public assistance on behalf of a needy dependent child.

Section 3. A new section of KRS Chapter 205 is created to read as follows:

The payment of public assistance to or on behalf of a dependent child creates a debt due and owing the state by the parent or parents of the child; provided, however, that where a court has ordered child support incident to a final divorce decree or other final order for child support, the debt shall be limited to the amount specified in the decree or order. This liability to the state shall attach only with respect to payments made during the period of time during which public assistance is granted and only if the parent or parents are financially able to furnish support.

Section 4. A new section of KRS Chapter 205 is created to read as follows:

By accepting public assistance for or on behalf of a needy dependent child, the recipient shall be deemed to have made an assignment to the Department of the right to any child support owed for the child or children up to the amount of public assistance paid by the Department to the recipient. The department shall be subrogated to the right of the child or the person having custody to collect and receive all child support payments and to initiate any support action existing under the laws of this state. The department may waive this subrogated right in situations in which it appears that it would be to the best interest of the child to do so.

Section 5. A new section of KRS Chapter 205 is created to read as follows:

Whenever the department receives an application for public assistance on behalf of a needy dependent child or reviews the records of those currently receiving public assistance on behalf of a needy dependent child and it appears to the satisfaction of the department that either or both parents have failed to provide support to the child, the department may take appropriate action under this chapter, or any other appropriate state and federal statutes, to assure that the responsible parent or parents provides support to the child. Such action shall be taken by the department only if the child is an applicant for or recipient of public assistance.

Section 6. A new section of KRS Chapter 205 is created to read as follows:

(1) The department shall attempt to locate absent responsible parents of needy dependent children.

(2) The department shall serve as a registry for the receipt of information which directly relates to the identity or location of absent parents, to assist any governmental agency in locating absent parents, to answer interstate inquiries concerning deserting parents, to coordinate and supervise any activity on a state level in search of an absent parent, to develop guidelines for coordinating activities of any governmental agency in providing information necessary for location of absent parents, and is to process all requests received from an initiating county or an initiating state which has adopted the Uniform Reciprocal Enforcement of Support Act.

(3) In order to carry out responsibilities imposed under this chapter, the department may request information and assistance from any governmental agency. All state, county and city agencies, officers and employes shall cooperate with the department in determining the location of parents who have abandoned or deserted children receiving public assistance with all pertinent information relative to the location, income and property of such parents, notwithstanding any provision of state law making such information confidential.

(4) The information which is obtained by the department shall only be available to such governmental agency or political subdivision of any state for purposes of locating an absent parent to enforce their obligation of support.

Section 7. A new section of KRS Chapter 205 is created to read as follows:

All business concerns doing business in this state, to the extent that they have employes working within this state, or maintain personnel files within this state, or are incorporated under the laws of this state, are required to provide the department with the following information upon certification by the secretary that the information is for the purpose of locating a parent whose dependent child is receiving public assistance in this or any other state, and that the information obtained will be treated as confidential information by this department or the agency or department of any other state which administers the public assistance program for the other state: full name, social security account number, date of birth, home address, wages, and number of dependents listed for tax purposes.

Section 8. A new section of KRS Chapter 205 is created to read as follows:

When the parent's support obligation has been determined by court order and the dependent child is receiving public assistance from the department, and the parent is not providing support in the amount due, the department may petition the circuit court to order, and the circuit court may order, the parent to assign to the department that portion of salary or wages of the parent due and to be due in the future as will be sufficient to pay the amount ordered by a court for the support of the child. Such order shall be binding upon an employer upon the service by certified mail of a copy of the order upon such employer and until further order of the court. The employer may deduct the sum of fifty cents for each payment made pursuant to such order to cover its administrative expenses. Any such order may be modified or revoked at any time by the court upon prior notification by the court to the department. Any such assignment made pursuant to court order shall have priority as against any attachment, execution or other assignment, unless otherwise ordered by the court. No assignment under this section by an employe shall constitute grounds for dismissal of the employe.

Section 9. A new section of KRS Chapter 205 is created to read as follows:

(1) A child support lien in favor of the department shall attach to all personal and real property of the responsible parent if he has failed to make full child support payment within thirty (30) days after it is due.

(2) The department shall file its claim of lien within three months from the time it attaches to the property of the parent. The claim of lien shall be filed with the clerk of the county court of the county in which the property is located and shall state as follows: "The Commonwealth of Kentucky, by the Department for Human Resources, claims a lien in the amount of _____ on the _____**(describe property)**_____ of *(name of parent)* for child support owed to his dependent children and public assistance monies paid to his children by the Department for Human Resources."

(3) The department shall notify the responsible parent of the filing of its claim of lien.

Section 10. A new section of KRS Chapter 205 is created to read as follows:

Child support payments made pursuant to a court order shall be paid to the department upon notice by the department to the court and the parent that the child is a recipient of public assistance when the department has not waived its right to such under the provisions of Section 4 of this Act.

Section 11. A new section of KRS Chapter 205 is created to read as follows:

Any payments of support made on behalf of a needy dependent child who is receiving public assistance shall be deposited by the department in a manner prescribed by the secretary which is consistent with state and federal law and regulations. Distribution of any payments so made shall be made in a manner prescribed by the secretary which is consistent with state and federal law and regulations.

Section 12. A new section of KRS Chapter 205 is created to read as follows:

Whenever any dependent minor child is receiving public assistance, the department may recover any sum of money due such dependent child. The suit shall be brought in the name of the child for the use by the department for the benefit of the child.

Section 13. A new section of KRS Chapter 205 is created to read as follows:

The department may appear in any judicial proceeding on behalf of the dependent child in order to secure support for the child from his parent or parents.

Section 14. A new section of KRS Chapter 205 is created to read as follows:

(1) Whenever a child is receiving public assistance and the department has taken action under the provisions of this Act to obtain support on behalf of the child, matters concerning custody of the child and visitation rights of the parents shall not be used by either parent as a reason not to pay child support to the department.

(2) Upon a determination by the department that such would be in the best interest of the child, the department may petition a circuit court of proper jurisdiction in the name of the child to make a determination of child custody and visitation rights of a parent.

Section 15. A new section of KRS Chapter 205 is created to read as follows:

When the department is receiving support payments from a responsible parent on behalf of a dependent child and the child's public assistance is discontinued, the department may continue to receive the support payments for up to three months after discontinuance of public assistance to the child. The support payments so received in this three month period shall be forwarded for the benefit of the child. The department shall notify the parent and the court, if support is being paid pursuant to a court order, to change the payment of support money to be paid directly to the relative or other person who has custody of the child for the benefit of the child. When the responsible parent is paying the department reimbursement for child support previously made by the department, the parent shall continue to pay the reimbursement amount directly to the department until the amount owing is paid in total.

Section 16. A new section of KRS Chapter 205 is created to read as follows:

At any time prior to a child's twenty-first birthday, the department may institute a legal action against a responsible parent for the reimbursement of money paid by the department for the benefit of the child through

the public assistance programs.

Section 17. A new section of KRS Chapter 205 is created to read as follows:

(1) It shall be unlawful for anyone to knowingly refuse to give the secretary the name of a parent of a child for whom the department is providing public assistance or information which will assist the secretary in locating a parent of a child for whom the department is providing public assistance.

(2) Any information gathered pursuant to subsection (1) of this section shall under no circumstances be used in criminal prosecutions against the informant.

(3) It shall be unlawful for anyone to knowingly give the secretary the incorrect name of a parent of a child for whom the department is providing public assistance or to knowingly give the secretary incorrect information on the parent's whereabouts when it is done for the purpose of concealing the identity of the real parent of the child or when it is done with the intent of concealing the location of the parent.

Section 18. A new section of KRS Chapter 205 is created to read as follows:

The procedures, actions and remedies provided for in this chapter shall be in addition to and not in substitution of other proceedings provided by law.

Section 19. A new section of KRS Chapter 205 is created to read as follows:

The secretary may adopt regulations necessary to prevent conflict with federal laws and regulations or the loss of federal funds. The secretary may adopt regulations to establish procedures necessary to guarantee due process of law. These regulations shall be consistent with the purpose and intent of this act.

Section 20. A new section of KRS Chapter 205 is created to read as follows:

The department may enter into cooperative arrangements with appropriate courts and law enforcement officials to assist the department in administering the program of child support recovery, including the entering into of financial arrangements with such courts and officials as provided for under the provisions of federal law and regulations and any other matters of common concern to such courts or officials and the department.

Section 21. A new section of KRS Chapter 205 is created to read as follows:

Any person violating the provisions of Section 17 of this Act shall be fined not more than $500 or be imprisoned in the county jail for not more than one year, or both.

HB 730, AN ACT relating to skilled nursing homes and intermediate care facilities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 216 is created to read as follows:

When care in a skilled nursing home is purchased through medical assistance:

(1) The level of care shall be determined by the patient's attending physician in consultation with the social worker, and facility director of nurses (who must be a registered nurse);

(2) The attending physician shall recertify every thirty days the patient's need for confined institutional care in the skilled nursing home;

(3) The facility shall have a utilization review committee in compliance with section 405-1137, department of health, education and welfare, skilled nursing facilities standards, for certification and participation in medicare and medicaid programs;

(4) One year from the date of a patients admission and annually thereafter the department of human resources shall review the patient's status to determine whether confined placement in a skilled nursing home is required. The department may upon such review effect a transfer of the patient unless the attending physician should determine such transfer to be harmful to the physical or mental well being of the patient.

Section 2. A new section of KRS Chapter 216 is created to read as follows:

(1) The department of human resources shall reimburse the skilled nursing home for services provided certified patients. Reimbursement will be "cost" plus 12 1/2%. The cost formula to be used in determining this reimbursement shall be the medicare cost formula;

(2) The department of human resources shall pay a penalty for delayed payments of one percent interest per month of the delayed payment in cases where payment is made after thirty days from the date of billing.

Section 3. A new section of KRS Chapter 205 is created to read as follows:

When care in an intermediate care facility is purchased through medical assistance:

(1) The level of care shall be determined by the resident's attending physician in consultation with the social worker and facility director of nurses or a facilities consultant registered nurse (if facilities director of nurses is not a registered nurse), either prior to or at the time of admission;

(2) One year from the date of a patient's admission and annually thereafter the department of human resources shall review the patient's status to determine whether confined placement in an intermediate care facility is required. The department may upon such review effect a transfer of the patient unless the attending physician should determine such transfer to be harmful to the physical or mental well being of the patient.

Section 4. A new section of KRS Chapter 205 is created to read as follows:

(1) The department of human resources shall reimburse the intermediate care facility for services provided certified patients. Reimbursement shall be "cost" plus 12 1/2%. The cost formula used shall be the medicare cost formula. The facility may elect an optional method of reimbursement at a fixed rate of not less than twelve dollars per day until July 1, 1976;

(2) The department of human resources shall pay a penalty for delayed payment of one percent interest per month of the delayed payment in cases where payment is delayed more than thirty days after billing.

HB 737, AN ACT relating to unauthorized use of food stamps.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 432.580 is amended to read as follows:

(1) Any person, other than *a* [the] person authorized by the regulations prescribed by the secretary of agriculture of the United States governing the food stamp *program established by the Food Stamp Act of 1964 (P.L. 88-525), as amended* [plan or the cotton stamp plan], who shall have in his possession, or who shall *knowingly obtain, attempt to obtain,* purchase, sell or exchange any food *stamp coupon* [stamps or cotton stamps, books, book covers] or any other instruments or documents relating to food *stamp coupons* [stamps or cotton stamps], for money or for any other article or articles other than *as* [those foods or cotton goods] authorized by the regulations prescribed by the secretary of agriculture of the United States governing the food stamp *program,* [plan or the cotton stamp plan] or for foods [or cotton goods] the value of which is less than the face amount of such food *stamp coupons* [stamps or cotton stamps], or in any other manner in violation of the regulations prescribed by the secretary of agriculture of the United States governing the food stamp *program* [plan or the cotton stamp plan] shall, *if such food stamp coupons are of the value of one hundred dollars ($100) or more,* be fined *not less than two hundred dollars ($200) nor more than five hundred dollars ($500) or be imprisoned in the penitentiary for not less than one (1) year nor more than five (5) years, or both, or if such coupons are of a value of less than one hundred dollars ($100) shall be fined not less than twenty-five dollars ($25) nor more than two hundred dollars ($200) or imprisoned for not less than thirty (30) days nor more than one (1) year, or both.*

(2) Whoever presents, or causes to be presented, coupons for payment or redemption of the value of one hundred dollars ($100) or more, knowing the same to have been received, transferred, or used in any manner in violation of the provisions of the Food Stamp Act (PL 88-525), as amended, or the regulations issued pursuant thereto, shall be fined not less than two hundred dollars ($200) nor more than five hundred dollars ($500) or be imprisoned in the penitentiary for not less than one (1) year nor more than five (5) years, or both, or if such coupons are of a value of less than one hundred dollars ($100), shall be fined not less than twenty-five dollars ($25) nor more than two hundred dollars ($200) or imprisoned for not less than thirty (30) days nor more than one (1) year, or both [from one hundred dollars ($100) to two hundred and fifty dollars ($250) for each offense].

HB 746, AN ACT relating to rural dental scholarships.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 211.420 is amended to read as follows:

(1) There is hereby established within the *Department for Human Resources* [department of health,], a rural Kentucky dental scholarship fund.

(2) *There* [Commencing July 1, 1958, there] shall be available each fiscal year to applicants selected by the board with the approval of the dental *health program* [division] of the *Department for Human Resources* [state department of health], *no less than* ten (10) scholarships for the study of dentistry leading to the attainment of the degree of doctor of dental surgery, or some equivalent degree. [If in any years less than ten (10) scholarships are awarded, the number available but not granted shall be carried over and added to those

available in succeeding years.]

(3) *The amount of each scholarship shall be a reasonable sum determined by the Board, but* [A scholarship] shall not *be less than* [exceed] one thousand five hundred dollars ($1,500) per annum. [No recipient of a scholarship shall receive more than six thousand dollars ($6,000) for his entire course of dental study.]

(4) In granting scholarships the board shall make a careful and full investigation of the ability, character and qualifications of each applicant, and may personally examine each applicant. The board shall, whenever possible, grant financial assistance to the applicants with the greatest financial need, provided such persons are found to possess such qualities as give reasonable assurance of their successfully completing the course of study made possible by the scholarship.

Section 2. KRS 211.430 is amended to read as follows:

(1) To be eligible for a scholarship made available under KRS 211.405 to 211.460, an applicant must:

(a) Have been a resident of this commonwealth for not less than five (5) years immediately preceding the date of application;

(b) Be acceptable for enrollment in a dental school accredited by the council on dental education of the American dental association, and approved by the board; and

(c) Furnish satisfactory evidence to the board that he does not have sufficient financial resources to enable him to study dentistry without assistance.

(2) Before a scholarship is granted, the applicant shall contract in writing with the board, that he will, within six (6) months from the date he completes his term of study, engage in the practice of dentistry in a locality or localities within this commonwealth to be designated by the dental *health program* [division] of the *Department for Human Resources* [state department of health], at the rate of one (1) year for each *annual scholarship* [one thousand five hundred dollars ($1,500)] received, or proportional time for *partial scholarships* [lesser amounts].

HB 862, AN ACT relating to sterilization.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 212 is created to read as follows:

As used in this Act unless the context otherwise requires:

(1) "Person legally incapable of giving informed consent" shall mean any individual who:

(a) Is a minor under state law, or

(b) Has been adjudicated incompetent by a court of competent jurisdiction, or

(c) In the judgment of a Review Committee appears incapable of giving informed consent because of a mental condition or lack of mental capacity;

(2) "Informed consent" shall mean the voluntary, knowing assent from the individual upon whom any sterilization is to be performed, as evidenced by a document executed by such individual;

(3) "Committee" shall mean a Review Committee which reviews and approves or disapproves of any sterilization for any person legally incapable of giving informed consent;

(4) "Nontherapeutic sterilization" shall mean any procedure or operation, the purpose of which is to render an individual permanently incapable of reproducing and which is not either:

(a) A necessary part of the treatment of an existing physical illness or injury, or

(b) Medically indicated as an accompaniment of an operation on the female genitourinary tract;

(5) "Sterilization" shall mean any procedure or operation, the purpose of which is to render an individual permanently incapable of reproducing.

Section 2. A new section of KRS Chapter 212 is created to read as follows:

(1) Before any person in the Commonwealth may have a nontherapeutic sterilization performed upon himself, he shall:

(a) Receive counseling from the physician who is asked to perform the sterilization;

(b) Give written informed consent to the performance of the sterilization; and

(c) Wait a minimum of 72 hours following the giving of informed consent before the sterilization may be performed.

(2) Any physician who is requested to perform a nontherapeutic sterilization shall provide counseling to the person who requests the sterilization. Such counseling shall include:

(a) A fair explanation of the sterilization procedures to be followed;

(b) A description of the attendant discomforts and risks of the sterilization procedure;

(c) A description of the benefits to be expected;

(d) An explanation concerning appropriate alternative methods of family planning;

(e) An explanation of the effect and impact of the proposed sterilization procedure including the fact that it must be considered to be an irreversible procedure;

(f) An offer to answer any inquiries concerning the sterilization procedure; and

(g) An instruction that the individual is free to withdraw his consent to the sterilization at any time prior to such procedure without prejudicing his future medical care.

(3) Any person giving informed consent for a nontherapeutic sterilization to be performed upon himself shall sign a written consent document to be provided by the physician who agrees to perform the sterilization. The written consent document shall indicate the following:

(a) That all of the counseling requirements provided under subsection (2) of this section have been performed;

(b) That the person requesting the sterilization understood the information provided under subsection (2) of this section; and

(c) That the person requesting the sterilization does want the sterilization to be performed. The written consent document shall also be signed by the physician who agrees to perform the sterilization and by one disinterested party.

(4) No physician shall perform a nontherapeutic sterilization on any person before 72 hours following the giving of written informed consent by the person requesting such sterilization.

Section 3. A new section of KRS Chapter 212 is created to read as follows:

(1) Any person who requests of any physician that a nontherapeutic sterilization be performed upon a person legally incapable of giving informed consent shall be referred to a Review Committee in the county in which the person legally incapable of giving informed consent resides.

(2) A Review Committee shall be established in each county in the Commonwealth in which any nontherapeutic sterilization of any person legally incapable of giving informed consent for such sterilization is requested. The committee shall be selected by the fiscal court and shall be composed of five members, two of whom shall be chosen from a list submitted by the Regional Mental Health-Mental Retardation Board. The members shall be representative of the medical, legal, and social professions and shall include both sexes. No member of the committee shall be allowed to subsequently perform the sterilization of any person whose request is considered by the committee.

(3) The duty of the Review Committee shall be to determine whether the proposed nontherapeutic sterilization would be in the best interest of the person legally incapable of giving informed consent for such sterilization and to grant approval or disapproval for such sterilization. In making such determination, the committee shall take into consideration the following:

(a) The expected mental and physical impact of pregnancy and motherhood on the person, if female, and the expected mental impact of fatherhood on the person, if male; and

(b) The expected immediate and long-term mental and physical impact of sterilization on the person.

(4) In addition, the Review Committee, in making its determination, shall:

(a) Review appropriate medical, social, and psychological information concerning the person, including his age, alternative family planning methods, and the adequacy of consent;

(b) Interview:

(i) Both parents if available;

(ii) The person, unless it is affirmatively determined that such an interview would be contrary to the best interest of the patient; and

(iii) Such other persons as in its judgment will constitute pertinent information;

(c) Record its findings and determinations, including how each member of the committee voted; and

(d) Collect supporting documentation.

(5) The interview with the person legally incapable of giving informed consent shall include the counseling requirements as provided under the provisions of Section 2(2) of this Act.

(6) A Review Committee determination that a nontherapeutic sterilization is approved or disapproved shall be made only at a convened meeting of the committee and only upon the affirmative vote of a majority of the members of the full committee.

(7) Each Review Committee shall adopt written by-laws or rules of procedure which shall reflect the provisions of Section 3 of this Act and which shall be made available to members of the public upon request.

(8) All Review Committee proceedings, findings, determinations, and supporting documentation shall be confidential and shall not be disclosed to any person except with the permission of the person legally incapable of giving informed consent or his legal representative.

(9) In the absence of parental consent to sterilization, no further action on any sterilization approved by the committee shall be taken unless the committee's finding and determination expressly include its reasons for approval despite the absence of parental consent.

(10) Whenever the Review Committee determines that a sterilization of an individual who is legally incapable of giving informed consent is appropriate, the committee shall seek court determination from the circuit court.

(11) If the person legally incapable of giving informed consent, the parents of such person, or any other interested party is dissatisfied with the Review Committee's determination, they may appeal the decision to the circuit court.

Section 4. A new section of KRS Chapter 212 is created to read as follows:

No person except a licensed physician shall be permitted to perform a sterilization upon any other person in the Commonwealth.

Section 5. A new section of KRS Chapter 212 is created to read as follows:

Any person who violates any of the provisions of this Act shall be fined not less than $200 nor more than $1,000. Each violation shall be deemed a separate offense.

HR 76, A RESOLUTION memoralizing the United States Congress to repeal Public Law 92-603 establishing the Professional Standards Service Review Organization.

WHEREAS, the United States Congress in 1972 enacted PL 92-603 establishing the Professional Standards Service Organization, popularly called PSRO; and

WHEREAS, PSRO creates a massive and expensive new bureaucracy, which duplicates existing review and introduces a completely foreign philosophy that medical care must conform to a federal rulebook for the treatment of all disease and denies admissions to hospitals based on the patient's doctor's orders, and gives authority to a committee to decide on the admissions; and

WHEREAS, PSRO invades the confidentiality of patients' medical records in private doctors' offices by government agents and stifles innovation, as physicians are required to conform to the rulebook, and PSRO is in reality the rationing of medical services to cut costs, the result of which is the reduction of the quality of medical care; and

WHEREAS, PSRO imposes federal "guidelines medicine" under peril of fine and suspension of physicians and invites unethical practice as the computerized guidelines become an invitation to fraud and reduces the professional to the technician level and a governmental agency will dictate for individual cases the number of days of treatment, and determine how, where and when to treat; and

WHEREAS, PSRO dehumanizes and promotes impersonal medical care; and PSRO has no economic basis, because medical care has increased the same as other services in the Consumer Price Index for a recent 10 year period, and less in the past 2 years; and documentation from government files proves that in Medicare doctor fraud is insignificant; and

WHEREAS, PSRO takes valuable physician time away from patient care because he is required to justify in writing every decision which conflicts with government rules and discourages physicians from entering or remaining in medical practice and PSRO may force the best physicians out of government programs; and

WHEREAS, any physician who treats a patient in compliance with PSRO regulations is exempted from civil liability for malpractice;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the U. S. Congress be and hereby is requested to repeal at the earliest possible date the legislation creating PSRO.

Section 2. Be it further resolved, that copies of this Resolution be forwarded to each U. S. Representative and each U. S. Senator from the Commonwealth of Kentucky.

SB 158, AN ACT relating to boards of health in counties containing cities of the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 212.370 is amended to read as follows:

When the board has been organized and the properties transferred, as herein provided, the board, throughout said county, including all municipalities therein, shall, except as otherwise provided by law, have

exclusive control and operation, under the acts of the general assembly of Kentucky, the ordinances, if any, of the legislative bodies of the municipalities in said county, the orders and resolutions, if any, of the fiscal court of said county, the regulations of the state board of health, and the rules and regulations of the board, of all matters relating to institutions safeguarding the public health, including city or county hospitals, tuberculosis hospitals, eruptive hospitals, chronic hospitals, medical care of the indigent, and all other matters affecting public health, including education of the public regarding such conditions, and the adoption of remedial measures, and the enforcement of all laws and regulations affecting public health, including existing ordinances of such city and, if any, of other municipalities in said county, and any ordinances which may be hereafter enacted by the legislative bodies of such municipalities, including laws and ordinances regulating sanitation, milk inspection, meat inspection, livestock inspection, wells, drinking water and fountains, vaults, vaccination and immunization, quarantine, and the maintenance of laboratories and clinics necessary for the promotion of public health. The board may expend funds for the purpose of conducting research work, including laboratory and biometrical work, and establishing, erecting and maintaining laboratories and other buildings and all appurtenances thereto for research work as to the prevalence, causes, cure, and prevention of disease, and to that end the board is authorized to expend funds in the employment of such persons or organizations, scientists, or research experts as the board may deem proper. The board shall be charged with the responsibility for the collection from official and other sources and for the publication of such statistics and information as may be useful and necessary for the performance of its duties, and upon such other matters as such municipalities by ordinance and said county, by resolution of the fiscal court, respectively, or the state board of health of Kentucky, by regulation, place under the control of said board. *The board may charge reasonable fees to sewage treatment plant operators for the regulation and inspection of sewage treatment plants to be paid within twelve months from the time of regulation and inspection.*

SB 204, AN ACT relating to health facilities and services.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 216.425 of Kentucky Revised Statutes is amended to read as follows:

(1) There is hereby created the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board consisting of *sixteen* [fifteen] members, to be appointed by the Governor, for the purpose of carrying out KRS 216.405 to 216.485. The board shall be appointed as follows: two members from the Kentucky Hospital Association, two members from the Kentucky Medical Association, two members from the Kentucky Nursing Home Association, one member from the Kentucky Nurses Association, one member from the Kentucky Dental Association, *one member from the Kentucky Pharmaceutical Association,* and four members who are consumers with an interest in education, rehabilitation, mental health, home care programs, or ambulatory care services and three members who are consumers not associated with any health facilities or delivery of health services. The aforesaid associations shall nominate three persons for each appointment to be made. The comprehensive health planning council shall nominate three persons for each of the consumer positions. The Governor shall appoint a chairman from the consumer members of the board. Members of the board shall serve for a term of four years, except that the first appointments shall be made as follows: three for a term of one year; four, a term of two years; four, a term of three years; and four, a term of four years. In event of a vacancy the person appointed shall serve only for the remaining portion of the vacated term. All members shall serve until such time as their successors are qualified and appointed. The *Secretary for Human Resources* [Commissioner of Health and the Commissioner of Mental Health] shall serve in an advisory capacity to the board.

(2) Board members shall be reimbursed for allowable expenses for each day spent in active board duty.

(3) The board shall have authority to promulgate administrative regulations, to be filed with the Legislative Research Commission as provided in KRS chapter 13 and do any other acts necessary to administer KRS 216.405 to 216.485.

(4) The board shall have three separate and distinct functions:

(a) To issue certificates of need in accordance with the provisions of KRS 216.405 to 216.485.

(b) To issue licenses, regulate and inspect health facilities and health services.

(c) To enforce, through legal actions on its own motion, the provisions of such certificates, licenses and regulations.

(5) The board shall develop, establish, enforce and may repeal standards, rules and regulations for the care, health, safety, welfare, and comfort of patients in health facilities and health services covered by KRS 216.405 to 216.485 and for the maintenance and operation of health facilities and health services which shall

be designed to insure that the quality of care offered by the facility or service is satisfactory and that the facility or service receives a license appropriate to its function. This shall include but not be limited to the classification and categorization of health facilities and health services according to character, size, range of services provided, type and level of care required. Further, the board shall develop and enforce standards relative to each classification or category of health facilities and health services which must be met in order to receive a license to operate and maintain health facilities and health services.

(6) The board shall adopt, establish and enforce criteria and procedures as developed by the state health planning council for determining the need for construction, expansion or implementation of health facilities and services.

(7) Members of the board, or its representatives, are hereby authorized to enter upon the premises of any health facility or health service as covered by KRS 216.405 to 216.485, for the purpose of inspection, at any reasonable time.

(8) The composition of the board and the rules and regulations thereof shall conform to any federal law or regulations pertaining to the licensing of health facilities.

(9) The board may appoint such technical advisory committees as are deemed necessary to administer the provisions of KRS 216.405 to 216.485.

(10) The board may, by regulation, prescribe and collect reasonable fees and charges for processing applications for certificate of need and licensure. All fees and charges collected under the provisions of KRS 216.405 to 216.485 shall be paid to the State Treasurer and credited to a trust and agency account to be used in the administration of KRS 216.405 to 216.485.

(11) The board shall coordinate the requirements of all other state agencies which may have regulatory power over health facilities and health services covered by KRS 216.405 to 216.485 in such manner that the applicant is assured of having met the requirements of the other agencies when issued a license by this board.

Section 2. This Act is intended to supersede the membership of the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board set forth in Section 81, Article VI of Senate Bill No. 112.

The Committee on Public Utilities and Transportation reported **HB 604** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 604, AN ACT relating to airport security and the training of airport police officers.

WHEREAS, incidents of hijacking and terrorism have created severe dangers to the general public at large commercial airports; and

WHEREAS, well-trained airport police officers knowledgeable in the latest methods of arrest, detection and security, as well as matters relating to the constitutional rights of accused, are vital to the security of airport passengers; and

WHEREAS, the Kentucky Law Enforcement Council has excellent facilities and services now being utilized to train county and city policy officers throughout Kentucky.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 15.310 is amended to read as follows:

As used in KRS 15.310 to 15.340, unless the context otherwise requires:

(1) "Council" means the Kentucky law enforcement council established by KRS 15.310 to 15.340.

(2) "Police officer" means a member of a lawfully organized police unit or force of state, county, or city government, *or a police officer of a local airport board created under the provisions of KRS Chapter 183,* who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state, *or who is responsible for security and law enforcement on airport premises serving more than one million commercial passengers annually,* but does not include any elected officer, sheriff, deputy sheriff, constable, district detective, auxiliary police officer, director of state police, or chief of police *of a city or county government.*

Section 2. KRS 15.340 is amended to read as follows:

The council shall make its facilities and services available subject to reasonable rules and regulations of the council, upon the following terms:

(1) To any officer or employe of the state or a political subdivision thereof, *including a police officer of a local airport board created under the provisions of KRS Chapter 183,* having power of a peace officer, *or who is responsible for security and law enforcement on airport premises serving more than one million*

commercial passengers annually, provided that his salary and reasonable and necessary travel expenses shall be paid by his employer; unless otherwise provided by the council.

(2) To such other persons as shall be approved by the council, upon such terms and conditions as it shall establish, provided that the council may require reimbursement for the cost of such training as determined by the council.

Section 3. A new section of KRS Chapter 183 is created to read as follows;

The airport board as a political subdivision may appoint such airport police officers as are necessary for proper airport security, and upon being sworn into office by the county judge, said airport police officers within the boundaries of the airport property shall be peace officers within the meaning of KRS 446.010 (9) with full authority to make arrests and enforce the general criminal laws of the state, the county and rules and regulations of the airport board.

The Committee on Health and Welfare reported **SB 42,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

Calendar

HB 419, HB 436, HB 472, HB 677, HB 785, HB 817, HB 606, HB 674, HB 681, HB 686, HB 735, HB 742, HB 744, HB 752, HB 759, HB 775 with Committee Amendment attached thereto, **HB 790, HB 822, HB 834, SB 110, SB 157, SB 260** with Committee Amendment attached thereto, **HB 751, HB 778, HB 786, HB 814, HR 16, HR 47, HCR 52, HR 55, HJR 64, HR 72, HR 75, HJR 83, HB 458, HB 658** with Committee Amendment attached thereto, **HB 661, HR 74, HR 85, HR 87, HCR 94, HB 374** with Committee Amendment attached thereto, **HB 789, HB 824, HB 825, HB 669, HB 802, SB 124, SB 186, HB 740,** and **SB 188** with Committee Amendment attached thereto, taken from the Calendar and ordered read at length for the second time. Representative Swinford moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Announcements (continued)

Representative Swinford moved that when the House adjourns, it do so to meet at 1:00 P. M., March 14, 1974. Agreed.

Representative Swinford moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative Swinford moved that when the House adjourns, it do so by voice vote. Agreed.

The following members filed Floor Amendment to bills: Representative Stone, No. 2 to **HB 259;** Representative Romines, No. 2 to **HB 658;** Representative Bruce, No. 3 to **HB 658;** Representative Wible, No. 1 to **HB 697;** Representative Lindsay, No. 1 to **SB 73;** Representative Overstreet, No. 1 to **HB 527;** Representative Overstreet, No. 2 to **HB 527;** Representative Benson, No. 4 to **SB 114;** Representative Clarke, No. 5 to **SB 114;** and Representative Paxton, No. 1 to **HR 91.**

Adjournment

Representative Swinford moved that the House adjourn until 1:00 P. M., Wednesday, March 14, 1974. Agreed.

THURSDAY, MARCH 14, 1974

FIFTY-THIRD LEGISLATIVE DAY

The House was called to order by Speaker Blume.

Prayer by the Reverend Beryl Spross, Church of the Nazarene, Frankfort.

The roll was called. All present except Representatives Harris and E. Brown.

Representative Isler moved that absent members be granted leave of absence in accordance with the rules of the House. Agreed.

The following members filed excuses: Representatives E. Brown and Harris.

Representative Hughes moved that the reading of the Journal of March 13, 1974, be dispensed with and the same approved. Agreed.

Recess

Representative Reynolds moved that the House recess for forty-five minutes for majority party caucus. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Banking and Insurance: **SB 109, SB 251, SB 271.**

State Government: **SB 84.**

Report of Committees

The Committee on Rules reported the following Bills and Resolutions have been posted for passage in Orders of the Day, March 14, 1974: **HB 84** with Committee Amendment attached thereto, **HB 436, HB 601, HB 658** with Committee Amendment attached thereto, **HB 669, HB 674, HB 686, HB 710** with Committee Amendment attached thereto, **HB 735, HB 742, HB 744, HB 751, HB 759, HB 775** with Committee Amendment attached thereto, **HB 785, HB 790, HB 802, HB 817, HB 822, HB 824, HB 834, HR 75, HR 87, HCR 94, SB 110, SB 124, SB 157, SB 186, SB 206** with Committee Amendment and Committee Substitute attached thereto, **SB 260** with Committee Amendment attached thereto.

The Committee on Rules reported **HB 814** has been recommitted to the Committee on State Government to be compared with companion bill.

The Committee on Rules reported **HR 74** has been recommitted to the Committee on State Government for study of effect on Daniel Boone Parkway.

The Committee on Rules reported **HB 733** has been recommitted to the Committee on Appropriations and Revenue for study of fiscal analysis.

The Committee on Rules reported **HB 715** has been recommitted to the Committee on Appropriations and Revenue for fiscal analysis.

The Committee on Judiciary reported **HB 647** with Committee Amendment attached thereto, **HB 811, HR 84,** and **SB 200** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

HB 647, AN ACT relating to indigent persons accused of serious crime.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 31.120 is amended to read as follows:

(1) The determination of whether a person covered by KRS 31.110 is a needy person shall be deferred until his first appearance in court or in a suit for payment or reimbursement under KRS 31.170, whichever occurs earlier. Thereafter, the court concerned shall determine, with respect to each proceeding, whether he is a needy person. However, nothing herein shall prevent appointment of counsel at the earliest necessary proceeding at which said person is entitled to counsel, upon declaration by said person that he is needy under the terms of this chapter. In such event the person involved may be required to make reimbursement for the representation involved if he later is determined not a needy person under the terms of this chapter.

(2) In determining whether a person is a needy person and in determining the extent of his inability to pay, the court concerned may consider such factors as income, property owned, outstanding obligations, and the number and ages of his dependents. Release on bail does not necessarily prevent him from being a needy person. In each case, the person, subject to the penalties for perjury, shall certify in writing or by other record such material factors relating to his ability to pay as the court prescribes.

(3) To the extent that a person covered by KRS 31.110 is able to provide for an attorney, the other necessary services and facilities of representation, and court costs, the court may order him to provide for their payment.

(4) Any person seeking the services of the public defender shall sign an affidavit of indigency. The affidavit shall be as set out herein: _____

Commonwealth of Kentucky
County of _____
Affiant _____, being first duly sworn says
that he is not now represented by private councel and that he does not have the money or assets out of which to employ one; that he is indigent and request the court to appoint council.

Signature of affiant

Subscribed and sworn to before me this _____, day of _____, 19_____.

Signature and title of officer
administering the oath

The Committee Amendment to **HB 647** is as follows:

Amend printed copy of House Bill 647, page 2, line 18, by deleting lines 18 thru 26 and inserting in lieu thereof the following:

1. My full name is: _____.
2. My full last home address is: _____.
3. My social security number is: _____.
4. I was born _____.
   and my age is _____.

5. I ( ) am ( ) am not married and have _____ children and their names and ages are _____

6. I ( ) do ( ) do not have a job and my present or last employer is _____.
7. I ( ) am ( ) am not self employed _____.
8. I have contacted _____ attorneys who have refused to take my case. Their names are _____
9. My income is $_____ per week or month. I receive $_____ per month from the following state or Federal agency _____.
10. The following persons owe me the following amount:

Name	Amount

11. I own an interest in the following real estate:

Address	Interest	Value

12. I own an interest in the following personal property (including automobile, tools, jewelry, stocks, bonds, guns, money, bank account or other):

Item	Interest	Value

13. I receive money or income from the following sources not previously listed:

Source	Amount

14. I ( ) own ( ) rent my home and pay the following amount as ( ) rent ( ) mortgage payment to _____
15. I owe the following amounts to the following persons or institutions:

Name	Amount

So says the affiant subject to the penalties of perjury that the information contained herein is a full and complete disclosure of all my assets and liabilities and is true and correct.

Signature of affiant

Subscribed and sworn to before me by _____

this the _____ day of _____.

Notary Public or Clerk of the Court

HB 811, AN ACT relating to court costs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 453.190 is amended to read as follows:

(1) Except as provided in paragraph (b) of subsection (2) of KRS 28.460, a court may allow a poor person residing in this state to prosecute or defend any action therein without paying costs, whereupon he shall have any counsel that the court assigns him and shall have from all officers all needful services and process without any fees, except such as are included in the costs recovered from the adverse party.

(2) Notwithstanding the provisions of any other statute or court rule, the terms "costs" and "fees", as used herein, specifically include the provision of any statute or court rule which require the giving of a bond, whether it be an appeal bond, supersedeas bond, injunction bond, or any other kind of bond, and poor persons residing in this state may seek any relief for which a bond would ordinarily be required without having to post such bond.

HR 84, A RESOLUTION directing the Legislative Research Commission to cause to be conducted a study of Mentally Retarded Offenders in Kentucky Adult and Juvenile Correctional Institutions.

WHEREAS, Mentally Retarded Offenders account for a large portion of the population of Kentucky Correctional Institutions; and

WHEREAS, the Retarded Offenders have an impact on the discipline in such institutions; and

WHEREAS, the Retarded Offender has special needs not provided for in Kentucky's Correctional Institutions; and

WHEREAS, Mentally Retarded Offenders are not at this time receiving services which are specifically designed to intervene in their criminal behavior; and

WHEREAS, parole services are not currently provided to meet the needs of the Mentally Retarded Offender; and

WHEREAS, it is in the best interest of all the citizens of the Commonwealth to provide corrective and rehabilitative services to insure that the public safety is kept;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is directed to make or cause to be made a comprehensive study of:

(1) The overall problem of Mentally Retarded Offenders in Kentucky Adult and Juvenile Correctional Facilities;

(2) What services, such as academic and vocational education, counseling, and parole follow-up services, might be provided;

(3) What type of facility Mentally Retarded Offenders should be housed;

(4) The training needs for staff who deal with the retarded;

(5) Realistic vocational training programs for the Mentally Retarded Offender;

(6) The necessary considerations for services for Mentally Retarded Offenders returning to the community on parole; and

(7) Publish said study together with recommendations by December 1975.

Section 2. All cabinets and agencies and departments of state government are directed to provide full assistance and information to the Legislative Research Commission upon request.

Section 3. The Kentucky Association for Retarded Children and the Blue Grass Association for Mental Retardation will provide technical assistance and staff support and the Department of Corrections Research Division will provide staff support.

Section 4. The approximate cost of this study is estimated to be $6,000.

SB 200, AN ACT relating to hypodermic syringes and needles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 217 is created to read as follows:

(1) No person engaged in sales at retail shall display hypodermic syringes or needles in any portion of the place of business which is open or accessible to the public.

(2) Every person engaged in sales of hypodermic syringes or needles at retail shall maintain a bound record in which shall be kept:

(a) The name of the purchaser; and

(b) The address of the purchaser; and

(c) The quantity of syringes or needles purchased; and

(d) The date of the sale; and

(e) Planned use of such syringes or needles.

(3) Said record shall be maintained for a period of two years from the date of the sale and shall be available for inspection during business hours by any law enforcement officer, agent or employe of the Department for Human Resources or Board of Pharmacy engaged in the enforcement of KRS Chapter 218A.

(4) No person shall present false identification or give a false or fictitious name or address in obtaining or attempting to obtain any hypodermic syringe or needle.

(5) No person engaged in the retail sale of hypodermic syringes or needles shall:

(a) Fail to keep the records required by this Act; or

(b) Fraudulently alter any record required to be kept by this Act; or

(c) Destroy, before the time period required by this Act has elapsed, any record required to be kept by this Act; or

(d) Sell, or otherwise dispose of, any hypodermic syringe to any person who does not present the identification required by this Act; or

(e) Disclose the names in said book except to those required by the Act.

(6) Any physician, other licensed medical person, hospital, or clinic disposing of hypodermic syringes or needles shall crush the barrel of same or otherwise render the instrument incapable of further use.

Section 2. A new section of KRS Chapter 217 is created to read as follows:

Any person who violates any of the provisions of section 1 of this Act shall be fined not less than $25 nor more than $500 or be imprisoned in the county jail for not less than 5 nor more than 30 days, or both.

The Committee on State Government reported **SB 99** with Committee Amendment attached thereto, **SB 205, SB 267,** and **SB 275** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

SB 99, AN ACT relating to the Wild Rivers System.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 146.240 is amended to read as follows:

The streams or segments of streams to be [initially] included in this system, being classified by the above stated criteria, are as follows:

(1) The Cumberland River from Summer Shoals to the backwater of Lake Cumberland.

(2) The Red River from the Ky. 746 bridge to the mouth of Swift Camp Creek. Nothing in KRS 146.200 to 146.350 shall be construed to prohibit that portion of the Red River between Peck's Branch and Swift Camp Creek from being used to temporarily contain flood waters that may be impounded above the normal sustained pool level of any lake which may be created in the event a dam is constructed on the Red River near Bowen, Kentucky.

(3) The Rockcastle River from the Ky. 80 bridge to the backwater of Lake Cumberland. Nothing in KRS 146.200 to 146.350 shall be construed to prohibit or interfere with the relocating of Ky. 80, including the construction of a bridge at a point approximately 2.35 miles downstream from the existing Ky. 80 bridge.

(4) The Green River from the *northern tip of the island located in Lawler Bend (mile 219.3) presently owned by Stinson Willis in Hart County* [eastern boundary of Mammoth Cave National Park] extending downstream and including that portion of the river within the *Mammoth Cave National* Park.

(5) The Big South Fork of the Cumberland River from the Tennessee border to Blue Herron.

(6) Martins Fork, Cumberland River from Ky. Highway 987 bridge to the eastern boundary of Cumberland Gap National Park.

(7) Rock Creek from the White Oak Junction Bridge to the Kentucky-Tennessee border.

(8) Little South Fork, Cumberland River from the backwater of Lake Cumberland (mile 4.1) to the Kentucky Highway 92 bridge (mile 14.5) in Wayne and McCreary Counties.

The Committee Amendment No. 2 to **SB 99** is as follows:

Amend printed copy of Senate Bill 99, page 2, lines 2, 3, & 4 by deleting the words: "*northern tip of the island located in Lawler Bend (Mile 219.3) presently owned by Stinson Willis in Hart County*"

and, on page 2, line 4, by removing the bracket "["

and, on page 2, line 5, by removing the bracket "]"

SB 205, AN ACT relating to the Wild Rivers Systems.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 146.250 is amended to read as follows:

The Commissioner of *the Department for* Natural Resources *and Environmental Protection* shall, by June 16, 1974, determine generally the boundaries of the stream area associated with the stream or stream segment initially included in the Wild Rivers System by KRS 146.200 to 146.350. Establishment of these boundaries shall be accomplished in such a way that it includes at least the visual horizon from the stream, but not more than *four hundred twenty seven (427)* [two thousand five hundred (2,500)] feet from the center of the stream. The boundary shall further include access points, at the upstream and downstream boundary of the area.

SB 267, AN ACT relating to state personnel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 18 is created to read as follows:

(1) Any final order of the Personnel Board either upholding or invalidating the dismissal, demotion, suspension, or other penalization of an employee with status may be appealed either by the employee or by the appointing authority.

(2) The party aggrieved may, within thirty days after the entry of the final order with which he is dissatisfied, appeal that order by filing a petition with the clerk of the Franklin Circuit Court. The petition shall state completely the grounds upon which the review is sought and shall specify the alleged errors in the board's conclusion and order. The appellant shall furnish a copy of the petition to the opposing party and the board. Summons shall be issued by the circuit court clerk upon the petition directing the adverse party or parties to file an answer within twenty (20) days after service of summons. Service on the board shall be had by serving the Attorney General or any assistant attorney general. The Secretary of the Personnel Board shall within thirty days after service of the summons file an attested copy of the order with the circuit court clerk, and of all the steps taken by the board relative to the attested order. If either party requests a transcript of the evidence, the requesting party shall bear the cost of the original copy of the transcript and it shall be furnished within ninety days.

(3) The board, the employee, and the appointing authority shall be necessary parties to such appeals. It shall not be necessary for the board to file responsive pleadings unless it so desires. If the appeal is from an order upholding the dismissal, demotion, suspension, or other penalization, the burden of appearing and defending the action of the board shall be upon the appointing authority. If the appeal is from an order refusing to uphold the dismissal, demotion, suspension, or other penalization, the burden of appearing and defending the action of the board shall be upon the employee.

(4) The case shall be set down by the court for as early a day as possible for a hearing, and shall in all respects be expedited.

(5) No new or additional evidence shall be introduced in the Franklin Circuit Court except as to fraud or misconduct affecting the outcome of the case, but the court shall otherwise hear the case upon the record as attested by the Secretary of the Personnel Board, and shall in all respects dispose of the appeal in a summary manner. Its review shall be limited to determining whether or not:

(a) The board acted without or in excess of its power;

(b) The order appealed from was procured by fraud or misconduct;

(c) Substantial evidence supports the order appealed from;

(d) The board's decision is supported by the law.

(6) The court shall enter judgment affirming, modifying, or setting aside the order or, in its discretion, remanding the case to the board for proceedings in conformity with the directions of the court.

(7) Any party may appeal from the circuit court to the Court of Appeals in accordance with the Rules of Civil Procedure, and such appeals shall have precedence of other cases pending in the Court of Appeals.

SB 275, AN ACT relating to the office of Attorney General.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 8.030 is amended to read as follows:

(1) The commission shall provide for the establishment of a permanent advisory committee on intergovernmental relations to be called the governor's advisory committee on intergovernmental relations.

(2) The committee shall function as a permanent standing advisory committee to the Kentucky commission on interstate cooperation and shall have no administrative functions.

(3) The governor's advisory committee on intergovernmental relations shall be composed of: (a) the governor; (b) the chairman of the Kentucky commission on interstate cooperation; (c) the chief justice of the Court of Appeals; [(d) the attorney general;] *(d)*[(e)] the commissioner of finance; *(e)*[(f)] *four* [five] additional qualified members appointed by the governor.

(4) The governor will serve as chairman of the advisory committee.

Section 2. KRS 61.645 is amended to read as follows:

(1) The system shall be administered by the board of trustees of the Kentucky retirement systems composed of nine (9) members, who shall be selected and who shall serve for terms of four (4) years, as follows:

[(a) The attorney general, ex officio;]

(a)[(b)] The commissioner of personnel, ex officio;

(b)[(c)] One (1) trustee elected by the members of the county employes retirement system;

(c)[(d)] One (1) trustee elected by the members of the state police retirement system;

(d)[(e)] Two (2) trustees elected by the members of the Kentucky employes retirement system;

(e)[(f)] *Four (4)* [Three (3)] trustees appointed by the governor of the commonwealth.

(2) The board is hereby granted the powers and privileges of a corporation including, but not limited to the following powers:

(a) To sue and be sued in its corporate name;

(b) To make bylaws not inconsistent with the law;

(c) To conduct the business and promote the purposes for which it was formed;

(d) To contract for investment counseling, actuarial, auditing and other professional services as its statutory purpose may require without limitations of KRS 45.360;

(e) To acquire, hold, sell, dispose of, pledge, lease or mortgage any such property as its purpose may require, notwithstanding the limitations of KRS Chapters 45 and 56 provided however, that the board is not authorized to construct a building; and

(f) To reimburse any trustee or officer for any legal expense resulting from a civil action arising out of the performance of his official duties.

(3) Schedule: Notwithstanding the provisions of subsection (1) of this section, the terms of office of those trustees of the board in office on June 14, 1962, shall continue until their normal expiration date, except that in the case of the director of the division of state police, such date shall be deemed to be March 31, 1963. At the expiration of their terms of office, [the commissioner of economic security shall be succeeded by the attorney general,] the commissioner of finance *shall be succeeded* by one (1) of the trustees elected by the membership of the Kentucky employes retirement system, which term of office shall be December 11, 1963, and the director of the division of state police by the trustee elected by the membership of the state police retirement system. The term which expired on March 31, 1961, shall be filled by election of the membership of the county employes retirement system, and the second trustee selected by the membership of Kentucky employes retirement system shall fill the term expiring March 31, 1962. The three (3) terms expiring on March 31, 1963, and March 31, 1964, shall be filled by appointment by the governor.

(4) (a) The trustees selected by the membership of each of the various retirement systems shall be elected by ballot. For each trustee to be elected, in any regular or special election, the board shall nominate not less than ninety (90) days before a term of office of a trustee is due to expire or in case of a vacancy in a term of office within ninety (90) days after such vacancy occurs and place on the ballot the names of at least three (3) constitutionally eligible individuals. Other nominees may be placed on the ballot by petition of no less than one-tenth (1/10) of the number voting in the last election by the retirement system members which are to elect the trustee. Costs of an election shall be payable from the funds of the system for which the trustee is elected.

(b) Within thirty (30) days of the nominations made in accordance with subsection (a) of this section, the executive secretary shall cause to be prepared an official ballot. The ballot shall carry the name, address, and position title of each individual nominated by the board and by petition of no less than one-tenth (1/10) of the number voting in the last election by the retirement system members which are to elect the trustee. Provisions shall also be made for write-in votes.

(c) The ballots shall be distributed to the eligible voters by mail to their last known residence address.

(d) The ballots shall be addressed to the tabulating committee in care of a predetermined box number at the U.S. Post Office, Frankfort, Kentucky. Access to this post office box shall be limited to the tabulating committee consisting of three (3) discreet persons appointed by the executive secretary to count the ballots and tabulate the votes. The individual receiving a plurality of votes shall be declared elected.

(e) The eligible voter shall cast his ballot by checking a square opposite the name of the candidate of his choice. He shall record his social security number, sign, and mail the ballot at least thirty (30) days prior to the date the term to be filled is due to expire. The latest mailing date shall be printed on the ballot.

(f) The tabulating committee shall report in writing the outcome to the chairman of the board of trustees.

(5) Any vacancy which may occur shall be filled in the same manner which provides for the selection of the particular trustee, however, the vacancy shall be filled only for the duration of the unexpired term.

(6) Membership on the board of trustees shall not be incompatible with any other office unless a constitutional incompatibility exists, and no trustee shall be subject to removal from office except upon conviction of a felony, or of a misdemeanor involving moral turpitude.

(7) Trustees who do not otherwise receive a salary from the state treasury shall receive a per diem of $45 for each day they are in session or on official duty, and they shall be reimbursed for their actual and necessary expenses in accordance with normal state regulations and standards.

(8) The board shall meet at least once in each quarter of the year and may meet in special session upon the call of the chairman or the executive secretary. It shall elect a chairman and a vice-chairman. A majority of the trustees shall constitute a quorum, and all actions taken by the board shall be by affirmative vote of a majority of the trustees present.

(9) The board shall:

(a) Appoint or contract for the services of an executive secretary, and fix his compensation without limitation by the provisions of KRS Chapter 18 and KRS 64.640. The executive secretary shall be the chief administrative officer of the board;

(b) Appoint such other employes as it deems necessary and fix the compensation for all employes of the board, subject to the approval of the commissioner of personnel;

(c) Require the executive secretary and such employes as it thinks proper to execute bonds for the faithful performance of their duties notwithstanding the limitations of KRS Chapter 62;

(d) Establish a system of accounting; and

(e) Do all things, take all actions and make all rules and regulations, not inconsistent with the provisions of KRS 61.510 to 61.700 and 16.505 to 16.645 and 78.510 to 78.990, that it deems necessary or proper in order to carry out the provisions of KRS 61.510 to 61.700 and 16.505 to 16.645 and 78.510 to 78.990.

(10) All employes of said board shall serve during its will and pleasure.

(11) The attorney general, or an assistant designated by him, may act as legal adviser and attorney for the board and the board is hereby authorized to contract for legal services notwithstanding the limitations of KRS chapter 12.

(12) The board shall prepare and publish an annual financial report showing all receipts, disbursements, assets and liabilities. All its proceedings and records shall be open for inspection by the public.

(13) All expenses incurred by or on behalf of the board in the administration of the system during a fiscal year shall be paid from the retirement allowance account. The expenses incurred by the board in the administration of the system during any fiscal year shall not exceed two per cent (2%) of the total employer and member contributions during such fiscal year.

Section 3. KRS 66.300 is amended to read as follows:

(1) There shall be a county debt commission, consisting of the governor, the state treasurer, the auditor of public accounts, the secretary of state, [the attorney general,] the commissioner of highways, the commissioner of finance, and the commissioner of revenue. The governor shall be chairman. When the governor is absent from Frankfort, the lieutenant governor shall be chairman, and when both the governor and the lieutenant governor are absent from Frankfort, the commissioner of finance shall be chairman. The state local finance officer shall serve as secretary of the commission. Each member shall serve without additional compensation, and each member except the governor may, by advising the governor in writing, authorize an executive officer of the department of which he is head to act for him as a member of the commission.

(2) The chairman may, at his discretion, call meetings of the commission and designate the time and place of the meeting. The chairman and four (4) other members of the commission shall constitute a quorum. The commission, by a majority vote of the quorum present, may adopt appropriate rules and regulations for the enforcement of KRS 66.280 to 66.390, hear and dispose of appeals from rulings of the state local finance officer, and perform the other duties imposed upon it.

(3) The commission may hold public hearings on any question before it, or the chairman may appoint a committee of the commission or a referee to hold the hearing with instructions to report any findings or recommendations to the commission. The officials or taxpayers of a county or the creditors thereof having a material interest in any hearing before the commission shall, upon their demand, be heard.

(4) The commission shall study the problems of county finance in Kentucky and other states for the purpose of making recommendations to the legislative research commission and the general assembly. The commission may require the state local finance officer to prepare studies on designated subjects, and to publish such studies as it directs, and to supply any available information and make such special inquiries or investigations as it deems necessary.

(5) Any county aggrieved by a ruling of the state local finance officer may within fifteen (15) days thereafter appeal to the commission. The decision of the commission shall be final except as otherwise provided in KRS 66.280 to 66.390.

Section 4. KRS 151.330 is amended to read as follows:

(1) The governor, the commissioner of natural resources, the commissioner of finance, the commissioner of health, the commissioner of commerce, commissioner of agriculture, *the secretary of the cabinet for development,* [the attorney general,] and their respective successors in office, shall be a body corporate and politic, constituting a public corporation and a governmental agency and instrumentality of the commonwealth by the name of "The water resources authority of Kentucky" with perpetual succession and with power in that name to contract and be contracted with, sue and be sued, have and use a corporate seal, and exercise, in addition to the powers and functions specifically stated in this chapter and KRS chapter 146, all the usual powers of private corporations to the extent that the same are not inconsistent with specifically enumerated powers.

(2) The members of the authority shall receive no compensation for their service in that capacity, but shall be entitled to reimbursement for all reasonable expenses necessarily incurred in connection with the performance of their duties and functions as such members.

(3) Four (4) members of the authority shall constitute a quorum for the transaction of business. Within ninety (90) days from March 8, 1966, the authority shall convene and organize. The governor shall, by virtue of his office, be the chairman of the authority. The commissioner of natural resources shall, by virtue of his office, be the vice-chairman of the authority. The commissioner of finance shall, by virtue of his office, be the treasurer of the authority.

Section 5. KRS 156.265 is amended to read as follows:

(1) There shall be a state committee for school district audits comprised of the governor, or a person designated by him [, the attorney general] , *a person designated by the secretary for finance and administration* and the superintendent of public instruction. The governor, or the person designated by him, shall be the chairman of the committee.

(2) The committee shall have the accounts of each board audited not less than once every two (2) fiscal years. The committee also may, at any time, cause to be made a comprehensive and complete audit of any board. Upon the written request of the state board, the superintendent of public instruction, the attorney general, the auditor of public accounts or the governor, the committee may cause the accounts of a board to be audited. Each audit shall cover such period of time, and shall include such auditing procedures and standards, as the committee may designate.

(3) Audits authorized under this section are in addition to any audits contemplated under KRS 11.090, 156.200 or KRS chapter 43.

(4) The actual expense of any audit authorized under this section shall be borne equally by the district board of education and by the committee from funds allocated to it.

Section 6. KRS 161.250 is amended to read as follows:

The general administration and management of the retirement system, and the responsibility for its proper operation and for making effective provisions of KRS 161.220 to 161.710 are vested in a board of trustees to be known as the "Board of Trustees of the Teachers' Retirement System of the State of Kentucky". The board of trustees shall consist of the Superintendent of Public Instruction, [the Attorney General,] the State Treasurer, and *seven* [six] other trustees elected as provided in KRS 161.260. Four of the elective trustees shall be members of the retirement system, to be known as teacher trustees, one shall be a person who is not a member of the teaching profession, to be known as the lay trustee, and one shall be an annuitant of the retirement system to be known as the retired teacher trustee. In 1973, one teacher trustee shall be elected for a regular four-year term and one teacher trustee shall be elected for a two-year term. Thereafter, one teacher trustee shall be elected annually for a four-year term. The retired teacher trustee shall be elected in 1973, and each four years thereafter.

Section 7. KRS 171.420 is amended to read as follows:

The state archives and records commission, is hereby created and shall be a nine (9) member body constituted as follows: The commissioner of finance, who shall be the chairman of the commission, *secretary of the cabinet for education and arts,* the auditor of public accounts, the chief justice of the Court of Appeals, the chairman of the Legislative Research Commission, [the attorney general,] one (1) member appointed by the governor from a list of three (3) persons submitted by the president of the University of Kentucky, one (1) member appointed by the governor from a list of three (3) persons submitted by the president of the Kentucky historical society, one (1) member appointed by the governor from a list of three (3) persons submitted by the president of the Kentucky librarians association, and one (1) member appointed by the governor from a list of five (5) persons with one (1) name submitted by each of the presidents of the state universities and colleges. Vacancies shall be filled by the governor in the same manner as initial appointments are made. All members shall serve for a term of four (4) years, provided that one (1) of the initial appointments shall be for a term of four (4) years, one (1) for three (3) years, one (1) for two (2) years and one (1) for one (1) year. The commission shall advise the department of finance on matters relating to archives and records, and questions on destruction of records as set out in KRS 171.670.

Section 8. KRS 216.803 is amended to read as follows:

(1) The Kentucky health and geriatric authority shall be composed of five (5) members who shall be the governor, *secretary for human resources,* commissioner of finance, commissioner of health *services and the*[,] commissioner of revenue [and attorney general]. These five (5) persons and their successors in office are a body corporate and politic constituting a public corporation and governmental agency and instrumentality of the commonwealth by the name of the "Kentucky health and geriatric authority," with perpetual succession and with power in that name to contract and be contracted with, to convey property, to sue and be sued, to have and use a corporate seal, and to exercise, in addition to the powers and functions conferred by KRS 216.800 to 216.853, all of the usual powers of corporations not inconsistent with specifically enumerated powers.

(2) The members of the authority shall receive no compensation for their services, but are entitled to reimbursement for all reasonable expenses necessarily incurred in connection with performance of their duties and functions as members.

(3) Three (3) members of the authority shall constitute a quorum for the transaction of business. The governor shall be the chairman of the authority and the commissioner of finance shall be the vice-chairman. The authority shall elect a secretary and a treasurer who shall serve at the pleasure of the authority and receive such compensation as may be determined by the authority. The treasurer shall give bond to the authority for a faithful accounting for all funds coming into his custody, in such amount as the authority may prescribe, drawn upon a surety company qualified to do business in the commonwealth, premium therefor to be paid by the authority. The authority shall establish and maintain an office and the secretary of the authority shall maintain therein complete records of the authority's actions and proceedings, as public records open to inspection.

Section 9. KRS 198A.030 is amended to read as follows:

(1) There is hereby created and established as a governmental instrumentality of the Commonwealth, to be independent of the Executive Branch, a public body corporate to be known as the Kentucky Housing Corporation.

(2) The housing corporation is created and established to serve a public purpose and to act for the public benefit and as a governmental instrumentality of the Commonwealth to act on behalf of the Commonwealth and its people in improving and otherwise promoting their health, welfare and prosperity.

(3) The housing corporation shall be governed by a board of directors, consisting of *eleven* [thirteen] members, *four* [five] of whom shall be the Commissioners of Finance, the Administrator of the Kentucky Program Development Office, [the Attorney General,] the Commissioner of Revenue, and the Commissioner of Commerce, as public directors, and *seven* [eight] of whom shall be chosen from the general public residing in the Commonwealth, as private directors.

(4) Upon organization of the housing corporation, the Governor shall appoint the eight private directors to take office and to exercise all powers thereof immediately. Of the eight members of the corporation thus appointed, two shall continue in office for terms of one year, and two for terms of two, three and four years respectively as the Governor shall designate; at the expiration of said terms and for all succeeding terms, the Governor shall appoint a successor to the office of private director for a term of four years in each case.

(5) In case of a vacancy, the Governor may appoint a person for such a vacancy to hold office during the remainder of the term.

(6) The Governor may remove any private director whom he may appoint in case of incompetency, neglect of duty, gross immorality, or malfeasance in office; and he may declare his office vacant and may appoint a person for such vacancy as provided in other cases of vacancy.

(7) The Governor shall designate a member of the corporation to serve as chairman. The term of the chairman shall extend to the earlier of either the date of expiration of his then current term as a member of the corporation or a date six months after the expiration of the then current term of the Governor designating such chairman.

(8) The corporation shall annually elect one of its members as vice chairman. The corporation shall also elect or appoint, and prescribe the duties of, such other officers as the corporation deems necessary or advisable, including an executive director and a secretary, and the corporation shall fix the compensation of such officers.

(9) The executive director shall administer, manage and direct the affairs and business of the corporation, subject to the policies, control and direction of the members of the corporation. The secretary of the corporation shall keep a record of the proceedings of the corporation and shall be custodian of all books, documents and papers filed with the corporation, the minute book or journal of the corporation and its official seal. He shall have authority to cause copies to be made of all minutes and other records and documents of the corporation and to give certificates under the official seal of the corporation to the effect that such copies are true copies, and all persons dealing with the corporation may rely upon certificates.

(10) A majority of the board of directors of the corporation shall constitute a quorum for the purposes of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies.

(11) Action shall be taken by the corporation upon a vote of a majority of the members present at a meeting called upon three days' written notice to each director or upon the concurrence of at least seven directors.

(12) Directors shall receive no compensation for their services but shall be entitled to their reasonable and necessary expenses actually incurred in discharging their duties under this chapter.

The Committee Amendment to **SB 275** is as follows:

Amend printed copy of Senate Bill 275, page 1, lines 19 and 20, by deleting lines 19 and 20 in their entirety

and on pages 2 through 7, by deleting pages 2 through 7 in their entirety

and on page 8, lines 1 and 2, by deleting lines 1 and 2 in their entirety

and on page 8, line 3, by deleting the words "Section 3." and inserting in lieu thereof the words "Section 2."

and on page 9, line 25, by deleting the words "Section 4." and inserting in lieu thereof the words "Section 3."

and on page 11, line 5, by deleting the words "Section 5." and inserting in lieu thereof the words "Section 4."

and on page 12, lines 6 through 26, by deleting lines 6 through 26 in their entirety

and on page 13, lines 1 and 2, by deleting lines 1 and 2 in their entirety

and on page 13, line 3, by deleting the words "Section 7." and inserting in lieu thereof the words "Section 5."

and on page 14, line 6, by deleting the words "Section 8." and inserting in lieu thereof the words "Section 6."

and on page 15, line 19,, by deleting the words "Section 9." and inserting in lieu thereof the words "Section 7."

The Committee on Agriculture and Natural Resources reported **HB 610, HB 612,** and **HB 673** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

HB 610, AN ACT relating to metropolitan sewer districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 76.085 is amended to read as follows:

(1) Any person or corporation, public or private, in the county in which such district is located submitting for approval plans and designs of sanitary sewers or storm water drainage facilities, or both, to be constructed by such person or corporation, private or public, pursuant to KRS 76.080 shall file with the district a written application for such approval or other action upon the plans and designs submitted by such person or corporation.

(2) When the district receives an application for approval of plans or designs of sanitary sewers and/or storm water drainage facilities to be constructed by some individual or corporation, the metropolitan sewer district is authorized and empowered to examine, inspect and investigate, as seems to be advisable, the sufficiency of the facilities which the application seeks to construct, to serve the purposes intended, and *may* [to] establish and make reasonable charges for such services on the basis of a schedule adjusted according to the services required to make such investigation or on any other reasonable method.

(3) When it appears to the district that the construction of any sanitary sewer and/or storm water drainage facility being made by any other individual or corporation, requires inspection and supervision in order to assure the protection of public health and the proper subsequent completion of such facility for the purposes intended, the metropolitan sewer district shall include such finding in its order approving, modifying or disapproving the particular plans and projects, and *may* [shall] charge such person or corporation for such inspection and supervision on the basis of the actual cost of inspection plus a reasonable additional cost of supervision.

Section 2. KRS 76.090 is amended to read as follows:

(1) The district may establish a schedule of rates, rentals, and charges, to be collected from *the owner or occupant of each lot or parcel of land which is developed and abuts upon a street, public way or easement containing a district sanitary or combined sewer* [all the real property within the district area served by the facilities of the district,] and prescribe the manner in which and the time at which the rates, rentals, and charges are to be paid, and may change the schedule from time to time as the district deems necessary, advisable or expedient. The schedule may be based upon either, (a) the consumption of water on premises connected with the facilities, taking into consideration commercial and industrial use of water; or (b) the number and kind of plumbing fixtures connected with the facilities; or (c) the number of persons served by the facilities; or (d) may be determined by the district on any other basis or classification which the district determines to be fair and reasonable, whether similar or dissimilar to those enumerated; or (e) any combination thereof. This schedule may include additional charges for treatment of sewage, with a surcharge where the sewage contains industrial wastes or other wastes in excess of limitations established by regulations of the district.

(2) Prior to the final adoption or modification of the schedule for the district area, the district shall adopt a proposed schedule and publish notice thereof pursuant to KRS chapter 424. The notice so published shall be dated as of the date of first publication thereof and shall state that the proposed or revised schedule of rates, rentals, and charges will remain open for inspection in the office of the district for thirty (30) days from the date of the notice, and that objections thereto in writing may be filed during that period with the district by any person aggrieved thereby. The district shall examine and hear any and all complaints, may modify the proposed schedule, and shall adopt and establish a final schedule within sixty (60) days after the date of the notice; the schedule however shall not become final within a city of the first class, unless and until it has received the approval of the legislative body of the city of the first class by ordinance approved by the mayor; Provided, however, the schedule finally adopted shall be sufficient and adequate to cover the purposes of this chapter. The schedules shall be uniform for all property falling within the same classification, which classification may be based upon the length of time the property has been in the district area, the drainage area within which the property lies or any similar or dissimilar reasonable classification. The schedule so adopted and established shall thereafter be the rates, rentals and charges for the use of the facilities of the district by users within the district area, until changed in the manner herein provided. The schedule of rates, rentals, and charges shall be established and revised from time to time so as to produce aggregate revenues to the district sufficient (a) for the payment of the interest on and principal of all revenue bonds and other obligations of the district except construction subdistrict obligations and bonds; (b) for the payment of all cost and expenses of operating and maintaining the sewer and drainage system of the district within the district area, including but not limited to that portion of the salaries, wages, and fees of all officers and employes of the district equitably allocable to operations within or for the district area; and (c) for the payment of all cost of renewals and replacement of such system within the district area; Provided however, That all expenses, salaries, wages, and fees necessary or incident to improvements for the account of which bonds are issued, may be included as a part of the cost of the improvements and paid from the proceeds of the bonds. The district may collect the sewer rates, rentals, and charges, or cause them to be collected and paid to it by agencies it designates, and with whom it may make such contracts or arrangements as the district deems proper. [No moneys received on account of the existence or operation of construction subdistricts shall be used for the payment of district obligations, and no other moneys received by the district shall be used for the payment of construction subdistrict bonds or obligations. Except as provided in the preceding sentence] The use of all moneys of the district received from any and all sources is hereby limited exclusively and shall be devoted solely to the payment of all obligations of the district and board created by KRS 76.010 to 76.210, and no funds from any sources authorized by KRS 76.010 to 76.210, shall be diverted to any other purposes than those in KRS 76.010 to 76.210 set forth, except that the district shall pay from district area revenues an equitably allocable share of the cost of constructing and operating any nondistrict area facilities to which sewage from the district area is diverted in order to relieve facilities from excessive sewage and costs described in KRS 76.248 but otherwise paid for.

(3) Whenever an area located within the district is served initially by a construction subdistrict facility, the schedule of rates, rentals and charges applicable to the particular construction subdistrict shall, at the discretion of the board, be applied to the area.

(4) Whenever any such sewer rates, rentals or charges for services rendered remains unpaid for a period of thirty (30) days after the same becomes due and payable *or for the violation of regulations governing the use of the sewer and drainage system*, the district shall declare the property, the owner thereof, and the user of the service, delinquent until such time as all service rates, rentals and charges are fully paid *or the violation corrected* and may cut off the sewer connection and service. It is unlawful for any delinquent to use water from any public water service or system and discharge same into a public sewer. No public water service or system shall furnish the delinquent with water to be discharged into a public sewer. The district may enter into agreements with any public water company or public water service providing for the discontinuance of water service to delinquents.

Section 3. KRS 76.170 is amended to read as follows:

(1) The initial unit of the district embraces the area that is coterminous with the boundaries of the city of the first or second class. The district also embraces the district area as defined in KRS 76.005. When territory which is part of a construction subdistrict is annexed to the city of the first or second class, that territory shall not become part of the district area during the existence of the construction subdistrict. When the existence of the construction subdistrict is wound up under KRS 76.271, the territory therein shall become a part of the district area if it is then a part of the city of the first or second class or whenever it is annexed by the city of the first or second class. When a construction subdistrict consisting of territory outside the city of the first or second class is wound up, the board of the district shall incorporate the territory into the district area under conditions of KRS 76.271. The district may also expand the district area by constructing and extending its initial sewer and drainage system and facilities beyond the corporate limits of the city of the first or second class and within the county in which the city is located whenever the district and the owners of real property to be served and located outside the limits of the city, by appropriate written instrument, agree as to

apportionment of any and all costs of construction work, subsequent maintenance and operation appertaining thereto, and as to payments by the owners of the real property, of rates, rentals and charges for the services and facilities to be thus afforded and for that portion of the district's capital costs, equitably allocable to the real property. Thereupon the real property served becomes a part of the district area. In a like manner and upon the same conditions, the district may construct and extend its sewer and drainage system and facilities so as to serve all or any part of any other city or other incorporated area located in the same county, pursuant to a written agreement between the district and the other city or incorporated area approved by their respective governing boards or bodies; Provided, however, nothing in this subsection shall be construed as requiring the district to obtain the consent of any city of the fifth or sixth class prior to constructing any sanitary or storm sewerage facilities within the limits of such a city, regardless of whether said facilities will serve the said city or not. All agreements referred to in this section shall be in appropriate form [for recording and shall be filed of record with the county clerk as other instruments relating to transfer or creating a lien upon real estate]. Any agreements entered into by the district pursuant to this section may provide that the district area shall include the real estate in such city or incorporated area, or part thereof, to be served pursuant to such agreement, and in such case [when such instrument has been filed of record with the county clerk as aforesaid], the district area shall be thereby officially enlarged and extended to include same; except that the district area shall not be enlarged to include a construction subdistrict by agreement or otherwise.

(2) The district may also expand the district area by constructing and extending its initial sewer and drainage system, or by constructing or extending new sewerage and drainage systems and facilities, into areas of the county outside of the city of the first class and annexing the areas to be served by such new or expanded systems or facilities to the district area, as provided in KRS 76.171.

(3) The words "incorporated area" as used in this section do not mean or apply to any sanitation district organized under KRS chapter 220.

(4) The provisions of this section shall not apply in cases involving annexation by a city of the first class pursuant to KRS 81.300 to 81.360.

Section 4. A new section of KRS Chapter 76 is created to read as follows:

(1) As used in this section, unless the context otherwise requires, the following definitions shall apply:

(a) "Sewers" are sanitary sewers, property service connections, combined sanitary and storm sewers, storm sewers or storm drains, pumping facilities and appurtenances, and waste-water treatment facilities and appurtenances.

(b) "Benefited Properties" or "Benefited Area" are developed and undeveloped lots and tracts, or portions thereof, which can be served by sewers. A property, or a portion of a property, which is benefited by an existing sewer is not considered benefited by the installation of a similar sewer.

(c) "Assessable Properties" are properties, or portions of a property, designated by the metropolitan sewer district to be encumbered with liens by the issuance of apportionment warrants upon completion of a sewer assessment project.

(d) "Assessable Unit" is a single-family residential lot, or equivalent, on which no more than one single-family dwelling unit can be reasonably constructed. Properties other than single-family residential lots shall be equated to assessable units as determined by the metropolitan sewer district; however, for duplexes and multi-unit apartment dwellings, each apartment unit shall be deemed to be not less than one-half an assessable unit.

(e) "Assessable Costs" for sewers serving benefited properties include direct payments to property owners for easement rights, actual construction costs for assessable facilities, and actual engineering costs for the preparation of plans and specifications. The board of the metropolitan sewer district may determine that the assessable engineering costs shall not exceed a fixed percentage, as determined by the board of the metropolitan sewer district, of the actual total assessable construction cost.

(f) "Connection Fee" is a charge established by the board of the metropolitan sewer district and payable by an owner of a benefited property not previously assessed for the cost of a sanitary sewer or combined sewer serving the benefited property.

(2) When the board of a metropolitan sewer district determines that sewers shall be constructed at the cost of the property owners, the project shall be recommended to the board of aldermen of a city of the first class, and the metropolitan sewer district shall prepare or cause to be prepared complete plans and specifications for the work and keep same available for inspection in its offices.

(3) The board of the metropolitan sewer district shall adopt a resolution recommending approval of the construction of sewers by assessment to the board of aldermen. Such approving ordinance shall describe the nature and kind of facilities to be furnished and shall describe the benefited properties.

(4) The actual construction of the sewers pursuant to the approving ordinance shall be done by, or under the control of, the metropolitan sewer district.

(5) When the cost of constructing the sewers has been determined, the metropolitan sewer district shall prepare a statement of all costs of constructing the sewer project.

The assessable cost of the sewers, excluding property service connections, shall be apportioned against benefited properties according to the number of assessable units assigned to said properties as determined by the metropolitan sewer district; or according to any other equitable basis.

(6) The costs of property service connections from the sewers to the property lines or easement lines shall be assessed against the benefited properties to which such property service connections are furnished.

(7) All assessable properties included in the described benefited area shall be assessed, except: property dedicated to use for public roadways, property owned by cities of the first or second class, or by counties containing cities of the first or second class, and any joint agencies of such cities and counties; and property owned by the United States Government or any of its agencies.

(8) In order to protect the properties against excessive costs for sewer construction, to create equity of assessment insofar as possible, and to permit owners of benefited properties to be informed in advance of costs proposed to be assessed against their properties, the board of the metropolitan sewer district may promulgate rules and regulations establishing a maximum assessment per assessable unit for the cost of sewers.

(9) Upon completion and acceptance of the sewers constructed, the metropolitan sewer district shall make out all apportionment warrants for which liens are established for the sewer improvements and shall immediately enter them upon a register kept for that purpose. When the holder of the warrant has obtained payment, he shall notify the metropolitan sewer district and it shall mark upon the register the payment thereof.

(10) After any sewers have been constructed in conformity with this section, the metropolitan sewer district shall give notice by publication pursuant to KRS Chapter 424 of the costs apportioned, and the amounts assessed and levied on the benefited properties liable for the payment. The failure of such property owner to receive a notice shall neither exempt him from liability for the assessment, nor prejudice the collection thereof or the enforcement of the lien therefor.

(11) The assessment, made by the board of the metropolitan sewer district against the respective benefited property for the cost of the sewers as provided for herein, shall be and become a lien superior to all other liens except those of taxes and liens prior in time for other public improvements, and shall not be defeated or postponed by any private or judicial sale; by any mortgage; by an error or mistake in the description of the property; or by error or mistake in the names of the owners. The lien shall exist from the date of the apportionment warrant; but a lien shall not be valid against a purchaser for a valuable consideration without notice unless the apportionment warrant is entered upon the register within ten days of its issuance.

(12) No error in the proceedings of the board of aldermen shall exempt any benefited property from liability for payment of any assessment or for any interest or payment incident to nonpayment thereof, after the work has been completed as required by either the ordinance or contract; but the board of aldermen, or any court of competent jurisdiction in which suits shall be proceeding, shall have power to make all corrections, rules and orders as may be required to do justice to all parties. In no event, if the sewers are constructed as provided, by ordinance or contract, shall the city or the metropolitan sewer district be liable for the costs of the sewers without the right to enforce such costs against the benefited properties.

(13) Apportionment warrants may be sold at public or private sale but may not be sold for less than their face value; or may be issued to the contractor, who must accept the same in full payment of that portion of his costs as represented by the face amounts of the apportionment warrants. The apportionment warrants shall be executed by the secretary-treasurer of the metropolitan sewer district. The terms of the issue or sale of the warrants must include, but are not limited to, the following provisions:

(a) Payment of the entire principal amount represented by the apportionment warrant may be made to the holder of the warrant within thirty days of the date of issuance without interest.

(b) The owner of the assessed property may enter into a written installment agreement with the warrant holder, acting as Paying Agent for the metropolitan sewer district, for payment of the assessment at the rate of interest specified on the warrant.

(c) The warrant holder must agree to permit any owner of assessed property to pay off and discharge said warrant over a five-year period in equal installments; however, the owner and warrant holder may mutually agree upon any other installment plan.

(d) If any person who had entered into an installment payment agreement desires to pay his assessment in full, he shall be obligated to pay only the remaining principal balance, plus all interest accrued to the day of payment.

(14) In the event that a property owner fails to pay his apportionment warrant in cash or to enter into a written installment agreement within thirty days of issuance of the warrant, or fails to pay any installment and interest due under the installment agreement with the warrant holder, the entire amount of the assessment shall forthwith become due and payable in cash. A penalty of ten percent of the unpaid portion of the assessment shall be added thereto, which shall constitute a like lien as the assessment, and thereafter the unpaid assessment, including penalty, shall bear interest at the rate stipulated on the apportionment warrant, until paid in full.

(15) Upon sale or transfer of ownership of any assessed property, the installment agreement, if any, shall terminate, and the assessment lien, including penalty and accrued interest, if any, shall be paid in full to the warrant holder.

(16)(a) Upon notice from the warrant holder that he had failed to collect the assessment after making every reasonable effort, then it shall be the duty of the metropolitan sewer district, for and on behalf of the warrant holder, to institute, in its own name and at its own expense, proper proceedings for the collection of said assessment including, if necessary, the filing of a suit in equity in any court of competent jurisdiction to enforce the lien by obtaining a judgment for the sale of the property and for the recovery of any deficiency thereof against the property owner personally. The metropolitan sewer district or the warrant holder is authorized to bid an amount not in excess of its lien and costs for any property sold in such suit.

(b) The apportionment warrant register as prepared by the metropolitan sewer district shall be prima facie evidence in all courts that all necessary steps have been properly taken, and that all proceedings are regular and valid.

(17) If any property or portion thereof against which an assessment has been levied is owned by an infant, by a person of unsound mind, or by a life tenant, the installment agreement may be executed by the statutory guardian of such infant, or by the committee or curator of such insane person with the same effect as if executed by a person free from disability, or by the life tenant; and the executed agreement shall be binding upon the owner of the fee.

(18) The interest rate stipulated on the warrant shall be determined by the board of the metropolitan sewer district.

(19) The board of the metropolitan sewer district shall establish a connection fee which, in addition to a charge for the installation of a property service connection, must be paid prior to connection to a metropolitan sewer district sewer by the owner of property not previously assessed for the cost of sewers. If a property, or portion thereof, is located in a previously described benefited area and the assessable cost of the sewers serving the property was apportioned against the property but no lien created, the connection fee for said property shall not be less than the previously apportioned assessable cost.

(20) The metropolitan sewer district may construct sewers by assessment in areas of the district located outside of the city of the first class, using the procedures set forth in this section, with the word "ordinance" being read as "resolution," the words "board of aldermen" being read as "fiscal court," and the word "city" being read as "county."

Section 5. KRS 76.172 is repealed.

HB 612, AN ACT relating to oil and gas.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 353 is created to read as follows:

If a lease, contract or franchise has been entered into providing for a fixed price at the well to the landowner, such fixed price shall be adjusted to reflect the same ratio as the price at the well bore to the retail price at the time the lease, contract or franchise was made.

HB 673, AN ACT relating to forestry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 149.370 is amended to read as follows:

No person shall:

(1) Within or adjacent to timberland, dispose of a lighted match, cigarette, cigar, ashes, or other flaming or glowing substance, or any other substance or thing in such condition that it is likely to ignite a forest, brush, grass or woods fire, or throw or drop any of the aforesaid objects or substances from a moving vehicle or drop or leave any of the aforesaid objects or substances within the limits of the right of way of any road or highway in such timberland. The driver of a moving vehicle shall be deemed prima facie liable where it cannot be determined which of the occupants of the moving vehicle threw or dropped any of the aforesaid objects or substances.

(2) Smoke in timberland during an emergency period of fire danger as proclaimed in KRS 149.405.

(3) Set fire or cause or procure the setting on fire of any flammable material on timberland of another without the consent of the owner.

(4) Set fire or cause or procure the setting on fire of any flammable material on timberland, without notifying adjacent landowners and without taking reasonable precautions both before and after lighting the fire and at all times thereafter to prevent escape thereof.

(5) Deposit or leave unattended on any railroad or highway right of way within or adjacent to timberland, any fire or live coals, or set or maintain thereon any fire for the purpose of cooking, heating, or providing light or warmth unless such fire is enclosed within a stove, drum, fireplace or other properly prepared location.

(6) Within or adjacent to timberland, set a backfire or cause a backfire to be set, except *with the written permission or* under the direct supervision of the division of forestry[, or unless it can be established that the setting of such backfire is necessary for the purpose of saving life or valuable property] *and in compliance with Section 2 of this Act.*

(7) Without authority, destroy, deface, or remove any notice, sign, or poster of the division of forestry, posted for the better protection of wood lots, forests, or wild lands from fire or trespass.

(8) Use or operate within or adjacent to timberland a welding torch, tarpot, or other device which may cause a fire, without clearing flammable material surrounding the operation or without taking such other reasonable precautions necessary to ensure against the starting and spreading of fire.

(9) Light, maintain or use a fire for cooking, heating or providing light or warmth upon lands not his own and within or adjacent to timberland, without first obtaining permission from the owner, lessee or agent thereof.

(10) Light or maintain within or adjacent to timberland, a bonfire within one hundred fifty feet (150'), of any house or building.

(11) Discharge or cause to be discharged a gun firing incendiary or tracer bullets or tracer charge or combustible gun wadding onto or across any timberland.

(12) Have in his possession on timberland any incendiary or tracer bullet or tracer charge, except in the course of transporting the same in conformity with law.

(13) Light or maintain within or adjacent to timberland an open fire or campfire without clearing flammable material surrounding such fire as necessary to ensure against the escape or spread thereof, or leave such fire before it is extinguished.

(14) Kindle or start, or direct another to kindle or start, any fire in or near a public or private road within or adjacent to timberland unless it is under control at all times, and properly extinguished before left.

Section 2. A new section of KRS Chapter 149 is created to read as follows:

No person shall at any time willfully set a backfire without first taking whatever precautions are necessary to notify and warn all persons physically located between the main fire and the backfire that a backfire is about to be set.

Section 3. KRS 149.991 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 149.360 to 149.430 or any regulation adopted hereunder, for which no definite fine or imprisonment is fixed by this section, shall be fined not more than two hundred dollars ($200) or imprisoned for not more than three (3) months, or both such fine and imprisonment.

(2) Any person who violates any of the provisions of KRS 149.380, *or Section 2 of this Act* shall be fined not more than one thousand dollars ($1,000) and imprisoned for not more than two (2) years, or both such fine and imprisonment.

(3) Any person who violates subsection (7) of KRS 149.370 shall be fined not less than ten (10) nor more than fifty dollars ($50.00) or imprisoned for not less than ten (10) days nor more than six (6) months, or both such fine and imprisonment.

(4) Any person who violates any provision of KRS 149.375 or 149.400 shall be fined not less than ten (10) nor more than one hundred dollars ($100) or imprisoned for not less than ten (10) days or more than six (6) months, or both such fine and imprisonment, for each separate offense.

(5) Any person who violates any provision of KRS 149.405 shall be fined not less than ten (10) nor more than five hundred dollars ($500), or imprisoned for not more than thirty (30) days, or both such fine and imprisonment.

The Committee Amendment to **HB 673** is as follows:

Amend printed copy of House Bill 673 on page 2, line 15, by deleting the words, "*with the written permission or*"

and on line 17, by deleting the bracket "["

and on line 19, by deleting the bracket "]"

The Committee on Banking and Insurance reported **HB 186** with Committee Substitute attached thereto, **HB 864, SB 64, SB 106, SB 159, SB 176, SB 177, SB 224, SB 225** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

HB 186, AN ACT relating to health insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 304, Subtitle 17 is created to read as follows:
Any policy of health insurance issued in this state must provide coverage for newborn children from the moment of birth.
Section 2. A new section of KRS Chapter 304, Subtitle 18 is created to read as follows:
Any policy of group or blanket health insurance issued in this state must provide coverage for newborn children from the moment of birth.

The Committee Substitute for **HB 186** is as follows:

HB 186, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 304.17-310 is amended to read as follows:
(1) Family expense health insurance is that provided under a policy issued to one of the family members insured, who shall be deemed the policyholder, covering any two (2) or more eligible members of a family, including husband, wife, dependent children, or any children under a specified age which shall not exceed nineteen (19) years, and any other person dependent upon the policyholder. Any authorized health insurer may issue such insurance.
(2) An individual hospital or medical expense insurance policy or hospital or medical service plan contract delivered or issued for delivery in this state more than 120 days after June 13, 1968, which provides that coverage of a dependent child shall terminate upon attainment of the limiting age for dependent children specified in the policy or contract shall also provide in substance that attainment of such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be both (a) incapable of self-sustaining employment by reason of mental retardation or physical handicap and (b) chiefly dependent upon the policyholder or subscriber for support and maintenance, provided proof of such incapacity and dependency is furnished to the insurer or corporation by the policyholder or subscriber within thirty-one (31) days of the child's attainment of the limiting age and subsequently as may be required by the insurer or corporation but not more frequently than annually after the two (2) year period following the child's attainment of the limiting age.
(3) Any family health policy delivered, or issued for delivery, in this state which provides hospital, medical, or surgical coverage for children shall provide coverage for newborn children from the moment of birth to the limits provided in the policy for congenital anomalies, illnesses, or injuries, including premature birth.
Section 2. KRS 304.18-030 is amended to read as follows:
Each such group health insurance policy shall contain in substance the following provisions:
(1) A provision that, in the absence of fraud, all statements made by applicants or the policyholders or by an insured person shall be deemed representations and not warranties, and that no statement made for the purpose of effecting insurance shall void such insurance or reduce benefits unless contained in a written instrument signed by the policyholder or the insured person, a copy of which has been furnished to such policyholder or to such person or his beneficiary.

(2) A provision that the insurer will furnish to the policyholder for delivery to each employe or member of the insured group a statement in summary form of the essential features of the insurance coverage of such employe or member and to whom benefits thereunder are payable. If dependents are included in the coverage, only one statement need be issued for each family unit.

(3) A provision that to the group originally insured may be added from time to time eligible new employes or members or dependents, as the case may be, in accordance with the terms of the policy.

(4) A provision that any health policy delivered, or issued for delivery, in this state which provides hospital, medical or surgical coverage for children shall provide coverage for newborn children from the moment of birth to the limits provided in the policy for congenital anomalies, illnesses, or injuries, including premature birth.

Section 3. A new section of Subtitle 32 of KRS Chapter 304 is created to read as follows:

Any family contract, plan or policy containing maternity benefits issued in this state by any corporation subject to the provisions of this subtitle which provides hospital, medical, or surgical coverage for children shall provide coverage for newborn children from the moment of birth to the limits provided in the policy for congenital anomalies, illnesses, or injuries, including premature birth.

HB 864, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 304.15-020 is amended to read as follows:

(1) "Industrial life insurance" is that form of life insurance written under policies of face amount of $3,000 or less issued on the basis of an industrial mortality table, and under which premiums are payable monthly or more often.

(2) "Wholesale life insurance" is that plan of life insurance, other than salary savings life insurance or pension trust insurance and annuities, under which individual policies are issued to the employes of any employer and where such policies are issued on the lives of not less than four (4) employes at date of issue. Premiums for such policies shall be paid either wholly from the employer's funds, or funds contributed by him, or partly from such funds and partly from funds contributed by the insured employes.

(3) "College life insurance" is that form of life insurance sold to college students, the initial premiums for which are financed by a promissory note.

Section 2. A new section of Subtitle 15 of KRS Chapter 304 is created to read as follows:

(1) No college life insurance policy shall be sold or delivered in this Commonwealth unless the following provisions are complied with:

(a) A letter of acceptance, on a form approved by the commissioner is presented to the proposed insured, setting forth the conditions concerning the financing agreement, the due date of the note, the amount of the note, the annual rate of interest on the note, and the annual premium on the policy.

(b) The acceptance letter must be signed by the proposed insured, agreeing that he has read and understands the conditions, a copy to be retained by the insured, and a copy to be retained by the agent and company.

(c) A copy of a financing arrangement is to be attached to and made a part of the contract.

Section 3. A new section of Subtitle 15 of KRS Chapter 304 is created to read as follows:

All college life insurance policies shall contain a provision there or in a separate rider attached thereto when delivered, stating in substance that the person to whom the policy is issued shall be permitted to return the policy within 15 days of its delivery to such person and have a refund of the premium paid if after examination of the policy the purchaser is not satisfied with it for any reason. If the provision is not printed on the face page or filing back of the policy, notice of the provision should be printed or stamped on the face page or filing back of the policy.

(2) The policy may be so returned to the insurer at its principal or branch office or to the agent through whom it was applied for, and thereupon shall be void as from the beginning and as if the policy had not been issued.

SB 64, AN ACT requiring identification of securities which are transferable under KRS 355.8-320 when levied upon by attachment, garnishment or other judicial order.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 425.225 is amended to read as follows:

The order of attachment shall be executed by the sheriff without delay in the following manner:

(1) Upon real property, by leaving with the occupant thereof, or, if there be no occupant, in a conspicuous place thereon, a copy of the order;

(2) Upon personal property capable of manual delivery, by taking it into his custody and holding it subject to the order of the court; or, if it be held by another officer under process or under a distress for taxes, by delivering to him a copy of the order, with a notice specifying the property attached;

(3) Upon other personal property, by delivering a copy of the order, with a notice specifying the property attached, to the person holding it; or, as to a debt or demand, to the person owing it; or, as to stock in a corporation, or property held, or a debt or demand owing by it, to the officer or agent upon whom a summons may be served, and by summoning the person or corporation to answer as a garnishee in the action. The sheriff shall deliver copies to, and summon, such persons as garnishees as the plaintiff may direct. [But no notice need be given in any case describing or specifying the debt or demand attached, but only a] *The* notice *shall specify* that the persons or corporation to whom the order of attachment is delivered is summoned to answer as a garnishee in the manner and at the time provided for an answer by the Rules of Civil Procedure.

(a) When securities are transferred as set out in this paragraph, or in paragraph (b), below, identification of the securities cannot be ascertained by the exercise of ordinary care because of the fungible status of said securities, if any claim be made by attachment, garnishment or other judicial order to a security which is transferable in the manner set forth in KRS 355.8-320, such order shall not be valid as against any clearing corporation as defined in KRS 355.8-102(3), custodian bank as defined in KRS 355.8-102(4) or nominee or agent of either having any interest in, custody of or control over such security unless such order identifies the security by setting forth the name of the issuer, the class or series of the security, or both, the number of shares or other units of interest represented by the security, the name of the debtor and the name of the person having an account on the books of the clearing corporation (as defined in KRS 355.8-102(3)) in which such security is shown.

(b) An attachment, garnishment or other judicial order of the kind described in paragraph (a) hereof which does not set forth all the elements of identification of the security as specified therein shall in no manner bind or give notice of such claim to any clearing corporation as defined in KRS 355.8-102(3), custodian bank as defined in KRS 355.8-102(4) or nominee or agent of either having an interest in, custody of or control over such security, and such person, clearing corporation, custodian bank or nominee may transfer, pledge or in any manner deal with such security in disregard of such order or claim without liability to the claimant.

SB 106, AN ACT relating to loans and lending.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 287.215 is amended to read as follows:

(1) (a) In addition to the powers heretofore granted, any bank or trust company or combined bank and trust company shall have the power to lend money repayable in installments; to charge or to receive in advance interest therefor in the case of a loan having a maximum maturity of not more than five years and thirty-two days; to contract for a charge for a secured or unsecured installment loan, and which under its terms shall be repayable in installments over a period of not exceeding ten years and thirty-two days, which charge shall be at a rate not exceeding six dollars per one hundred dollars per annum upon the principal amount of the loan which charge or charges shall be for the entire period of the loan and may be collected in advance only if the maximum maturity of the loans does not exceed five years and thirty-two days.

(b) If the maturity of the loan exceeds five years and thirty-two days but does not exceed ten years and thirty-two days the charge of interest may not be discounted or received in advance but may be added on to the principal amount of the loan and shall not be discounted.

(c) If any scheduled payment or deferred payments are more than twice as large as the average of the earlier scheduled payments, the debtor and creditor shall agree that the debtor has the right to finance the amount of such payment or deferred payments at the time they are due without penalty. The terms of the refinancing which are agreed to by the debtor and the creditor shall be no less favorable to the debtor than the terms of the original loan.

(2) In addition to the charge permitted by this section, no further amount shall be directly or indirectly charged, contracted for, or received on any such installment loan, except lawful fees actually paid to a public officer for filing, recording, or releasing any instrument securing the loan and delinquent charges as hereinafter set out, and except an investigation fee not exceeding one dollar for each fifty dollars or fraction thereof upon the first eight hundred dollars of the principal amount of such loans.

(3) Delinquency charges may be made not to exceed five cents for each dollar of each installment more than ten days in arrears, and only one delinquency charge shall be made on any one installment. No delinquency charge shall exceed five dollars on any one installment. In addition to such delinquency charges, attorney's fees not exceeding fifteen percent of the unpaid balance and court costs may be collected, provided that the note is referred to an attorney not a salaried employe of the holder for collection.

(4) The lending institution shall permit the borrower to repay his loan in whole or in part at any time. If a loan is paid in full prior to maturity, the lending institution shall make a rebate at a rate not less than in accordance with the Rule of 78s if the maximum financing charge permitted hereunder has been taken. If a lesser charge has been taken, the rebate shall be at not less than a proportional rate. Provided, however, the lending institution shall be permitted in computing rebates to retain a minimum charge of ten dollars to cover its acquisition costs and where the amount of credit for anticipation of repayment is less than one dollar, no rebate need be made.

(5) In the case of loans made under this section the corporation shall not take any assignment, pledge or transfer of wages to be earned or paid in the future, nor any first lien or first mortgage on real estate as security, except such lien as is created by virtue of a judgment or decree *or first mortgage liens on loans on unimproved real estate not exceeding ten acres in size or on real estate on which there is located or to be located a residential mobile home*. Nothing in this section is intended to prevent lending institutions from making loans under the provisions of the National Housing Act or any other federal legislation, which loans are hereby authorized.

(6) No lending institution under this section shall split up or divide a loan or permit any person to become obligated to it under more than one contract of loan at the same time for the purpose of obtaining a greater charge than would otherwise be permitted by this section.

(7) Every note evidencing a loan made under this section shall contain the following information and provisions: The original principal amount of the loan excluding any charge made under this section; a statement of the total charge for the loan; the amount and the date of each installment; the date of final maturity; an agreement that the borrower may repay the loan in whole or in part at any time, and that if the loan is paid in full before final maturity, the borrower will receive a refund of the unearned portion of the charge as required by this section. At the time the loan is made, the lending institution shall give the borrower either a copy of the note, or a statement of the transaction containing the provisions and information required to be contained in the note. The lending institution shall deliver a receipt for each payment.

(8) In advertising for loans subject to this section, every advertisement shall conform to the following requirement: Any statement of the amount of the loan shall be the original principal amount showing in detail any charge made under this section.

(9) KRS 288.420, 288.620 and 360.010 shall not apply to loans made under authority of this section, but said sections shall remain in full force and effect for all other purposes. Nothing in this section shall be construed to impair the validity or effect of said sections with respect to loans other than those made pursuant to this section nor shall anything in this section be construed to impair the validity or effect of KRS 360.025.

(10) Any contract of loan in the making or collection of which any act shall have been done which constitutes a willful violation of any provision of this section shall be void, and the bank, trust company, combined bank and trust company shall have no right to collect or receive any interest or charges whatsoever on such loan, but the unpaid principal of the loan shall be paid in full to the lending institution.

SB 159, AN ACT relating to insurance premium taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 304.11-050 is amended to read as follows:

(1) Effective with all premiums collected during the calendar year 1968, except premiums on lawfully procured surplus lines insurance, every unauthorized insurer shall pay to the *department of revenue* [commissioner] before March 1, next succeeding the calendar year in which the insurance was so effectuated, continued, or renewed, a premium tax of 2 per cent of gross premiums charged for such insurance on subjects resident, located, or to be performed in this state. Such insurance whether procured through negotiation or an application, in whole or in part occurring or made within or outside of this state, or for which premiums in

whole or in part are remitted directly or indirectly from within or outside of this state, shall be deemed to be insurance procured or continued in this state. The term "premium" includes all premiums, membership fees, assessments, dues, and any other consideration for insurance. If the tax prescribed by this section is not paid within the time stated, the tax shall be increased by a penalty of 25 per cent and by the amount of an additional penalty computed at the rate of 1 per cent per month or any part thereof from the date such payment was due to the date paid.

(2) If the policy covers risks or exposures only partly in the state, the tax payable shall be computed on the portions of the premium which are properly allocable to the risks or exposures located in the state. In determining the amount of premiums taxable in this state, all premiums written, procured, or received in this state and all premiums on policies negotiated in this state shall be deemed written on property or risks located or resident in this state, except such premiums as are properly allocated or apportioned and reported as taxable premiums to any other state or states.

(3) Proration of premium taxes due from an industrial insured under a contract procured from an unauthorized insurer having property in states other than Kentucky, shall be determined by rules and regulations promulgated by the *department of revenue* [commissioner] using the following criteria where applicable:

(a) Percentage of physical assets in Kentucky;

(b) Percentage of employe payroll in Kentucky;

(c) Percentage of sales in Kentucky; and

(d) Percentage of taxable income reportable in Kentucky.

(4) The attorney general, upon request of the commissioner *of revenue*, shall proceed in the courts of this state or any other state or in any federal court or agency to recover such tax not paid within the time prescribed in this section.

SB 176, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 304.9-140 is amended to read as follows:

(1) Notwithstanding the provisions of KRS 304.9-120, a nonresident of this state may be licensed as a life insurance agent upon compliance with the provisions of KRS 304.9-110, except as to the residence requirement, if such person in good faith intends to transact and does transact in this state substantially all of his business as a life insurance agent.

(2) Notwithstanding the provisions of KRS 304.9-120, a nonresident of this state may be licensed as a general lines insurance agent upon compliance with the provisions of KRS 304.9-110 except as to the residence requirement provided that such agent shall not solicit business, advertise, or take applications for insurance within this state. Nothing herein is intended in any way to limit or prohibit such a nonresident licensed agent from entering this state to service an existing insurance policy.

(3)[(2)] Nonresidents of this state other than those referred to in subsection (1) of this section, may be licensed as [life] insurance agents in this state without taking an examination if:

(a) A written examination is required of applicants for *an* [a life] insurance agent's license in such other state.

(b) The appropriate official of such other state certifies that the applicant holds a currently valid license as *an* [a life] insurance agent in such other state and either passed such written examination or was the holder of *an* [a life] insurance agent's license prior to the time such written examination was required.

(c) In such other state, a resident of this state is privileged to procure *an* [a life] insurance agent's license upon the foregoing conditions and without discrimination as to fees or otherwise in favor of the residents of such other state.

SB 177, AN ACT relating to Boiler Safety.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 236.010 is amended to read as follows:

As used in this chapter,

(1) "Boiler" or "boilers" shall mean and include steam or vapor boilers, hot water heating boilers and hot water supply boilers.

(2) "Commissioner" means the commissioner of *insurance* [public safety].

(3) "Department" means the department of *insurance* [public safety].

(4) "ASME" means American society of mechanical engineers.

(5) "Board" means Board of Boiler Rules.

Section 2. A new section of KRS Chapter 236 is created to read as follows:

(1) No person shall engage in the business of installing, erecting, or repairing boilers unless he first obtains a license from the Commissioner or on recommendation of the Board.

(2) Each person, firm or corporation must furnish evidence suitable to the Board that they are qualified to perform such work.

(3) License shall be issued by the Commissioner or the Chief Boiler Inspector upon recommendation of the Board and payment of a fee of fifty dollars ($50) for each application.

(4) The license shall be renewed annually, not later than the first of the month following the expiration date, upon payment of a fee of thirty-five dollars ($35).

(5) All individuals in the employ of a licensee shall not be required to be licenses.

Section 3. A new section of KRS Chapter 236 is created to read as follows:

(1) An erector, installer or repairer's license may be suspended for falsification of any information contained in the application. Written notice of a suspension shall be given to the licensee by the Chief Boiler Inspector within ten days of the first notification of the violation. A person whose license has been suspended may appeal to the Board as provided in KRS 236.150 and be present in person and represented by counsel at the hearing of the appeal.

(2) If the Board has reason to believe that a licensee is no longer qualified to hold his license, the Board, upon ten days' written notice to the licensee, shall hold a hearing at which the licensee shall have an opportunity to be heard. If, as a result of the hearing, the Board finds that the licensee is no longer qualified to hold his license, the Board shall recommend to the Commissioner that the license be revoked or suspended.

(3) A person whose license has been suspended may apply for reinstatement of the license after ninety days (90) from the date of the suspension.

Section 4. A new section of KRS Chapter 236 is created to read as follows:

If a license is lost or destroyed, a new license shall be issued in its place, without submitting another application, upon request and payment of a fee of five dollars ($5).

Section 5. A new section of KRS Chapter 236 is created to read as follows:

(1) No person shall install, erect or repair a boiler without first securing a permit to install from the department. Permits shall be issued only to persons licensed to install, erect or repair boilers and their connecting piping and no work shall be performed except by, or under the immediate supervision of such licensed person. The permit fees shall be set by the Board.

(2) The permit fees will include one interim inspection and one final inspection for issuance of boiler operating certificate.

(3) Special inspections and more than two inspections for each permit will be charged fees in accordance with KRS 236.130.

Section 6. A new section of KRS Chapter 236 is created to read as follows:

(1) No person shall make repairs to boilers without first securing a permit from the department unless repairs have been authorized by an authorized inspector pending issuance of the permit or unless such repairs are emergency maintenance performed by qualified persons regularly employed by firms utilizing properly qualified procedures to repair boilers. Permits shall only be issued to persons licensed to repair boilers and boiler repair shall only be performed by a licensed person or under the immediate supervision of such licensed person. A permit fee shall be paid directly to the department, and shall accompany the repair application.

(2) Payment of permit to repair fees will not be required from firms utilizing properly qualified welding procedures and regularly employing qualified welders, registered with the department to weld on boilers owned and operated by such firms.

Section 7. A new section of KRS Chapter 236 is created to read as follows:

The Commissioner, the Chief Boiler Inspector or any deputy inspector shall have free access, during reasonable hours, to any premises in the state where a boiler is being constructed, installed or repaired for the purpose of ascertaining whether the work being performed is in accordance with the provisions of KRS Chapter 236.

SB 224, AN ACT relating to banks and trust companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 287 is created to read as follows:

(1) Notwithstanding any other provision of law, any bank or trust company, when acting as a fiduciary or when holding securities as custodian for a fiduciary, is authorized to deposit, or arrange for the deposit, with the federal reserve bank in its district of any securities, the principal and interest of which the United States or any department, agency or instrumentality thereof has agreed to pay, or has guaranteed payment, to be credited to one or more accounts on the books of said federal reserve bank in the name of such bank or trust company, to be designated fiduciary or safekeeping accounts, to which account other similar securities may be credited. A bank or trust company so depositing securities with a federal reserve bank shall be subject to such rules and regulations with respect to the making and maintenance of such deposit as, in the case of a bank or trust company organized under the laws of this State, the Commissioner of Banking and Securities, and, in the case of the national banking associations, the Comptroller of the Currency, may from time to time issue. The records of such bank or trust company shall at all times show the ownership of the securities held in such account. Ownership of, and other interests in, the securities credited to such account may be transferred by entries on the books of said federal reserve bank without physical delivery of any securities. A bank or trust company acting as custodian for a fiduciary shall, on demand by the fiduciary, certify in writing to the fiduciary the securities so deposited by such bank or trust company with such federal reserve bank for the account of such fiduciary. A fiduciary shall, on demand by any party, to its accounting or on demand by the attorney for such party, certify in writing to such party the securities deposited by such fiduciary with such federal reserve bank for its account as such fiduciary.

(2) This section shall apply to any fiduciary, and any custodian for fiduciaries, acting on the effective date of this Act or who thereafter may act regardless of the date of the agreement, instrument or court order by which it is appointed.

(3) As used in this section, "fiduciary" includes an executor, administrator, trustee under any trust, express, implied, resulting or constructive, guardian, conservator, committee, receiver, trustee in bankruptcy, assignee for the benefit of creditors, partner, agent, officer of a corporation, public or private, public officer or any other person acting in a fiduciary capacity for any person, trust or estate.

SB 225, AN ACT relating to the deposit of securities in a central depository by fiduciaries and custodians.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of Chapter 386 of the Kentucky Revised Statutes is created to read as follows:

(1) Notwithstanding any other provision of law, any fiduciary holding securities in its fiduciary capacity, any bank or trust company holding securities as a custodian or managing agent, any bank or trust company holding securities as custodian for a fiduciary, is authorized to deposit or arrange for the deposit of such securities in a clearing corporation as defined in KRS 355.8-102. When such securities are so deposited, certificates representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of such clearing corporation with any other such securities deposited in such clearing corporation by any person regardless of the ownership of such securities, and certificates of small denomination may be merged into one of more certificates of larger denomination. The records of such fiduciary and the records of such bank or trust company acting as custodian, as managing agent or as custodian for a fiduciary shall at all times show the name of the party for whose account the securities are so deposited. Title to such securities may be transferred by bookkeeping entry on the books of such clearing corporation without physical delivery or certificates representing such securities. A bank or trust company depositing securities pursuant to this section shall be subject to such rules and regulations with respect to the making and maintenance of such deposit as, in the case of a bank or trust company organized under the laws of this State, the Commissioner of Banking and Securities and, in the case of national banking associations, the Comptroller of the Currency may from time to time issue. A bank or trust company acting as custodian for a fiduciary shall, on demand of the fiduciary, certify in writing to the fiduciary the securities so deposited by such bank or trust company in such clearing corporation for the account of such fiduciary. A fiduciary shall, on demand by any party to its accounting or on demand by the attorney for such party, certify in writing to such party the securities deposited by such fiduciary in such clearing corporation for its account as such fiduciary.

(2) This section shall apply to any fiduciary holding securities in a fiduciary capacity, and to any bank or trust company holding securities as a custodian, managing agent or custodian for a fiduciary, acting on the effective date of this Act or who thereafter may act regardless of the date of the agreement, instrument or court order by which it is appointed and regardless of whether or not such fiduciary, custodian, managing agent or custodian for a fiduciary owns capital stock of such clearing corporation.

(3) As used in this section, "fiduciary" includes an executor, administrator, trustee under any trust, express, implied, resulting or constructive, guardian, conservator, committee, receiver, trustee in bankruptcy, assignee for the benefit of creditors, partner, agent, officer or a corporation, public or private, public officer or any other person acting in a fiduciary capacity for any person, trust or estate.

The Committee on Education reported **HB 768** and **HB 860** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

HB 768, AN ACT relating to school eye safety.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 156 is created to read as follows:

As used in this Chapter unless the context requires otherwise:

(1) "Industrial quality eye protective devices" means devices meeting the standards of the American National Standard practice for occupational and educational eye and fire protection, 2871-1968 and subsequent revisions thereof, approved by the American National Standards Institute, Incorporated.

Section 2. A new section of KRS Chapter 156 is created to read as follows:

(1) The superintendent of public instruction, or other appropriate educational authority shall prepare and distribute to each public and private educational institution in this state instructions and recommendations for implementing the eye safety provisions of this chapter.

Section 3. A new section of KRS Chapter 156 is created to read as follows:

Every student and teacher in schools, colleges, universities, or other educational institutions, participating in or observing any of the following courses of instruction:

(1) Vocational, technical, industrial arts, chemical, or chemical-physical, including exposure to:

(a) Hot molten metals, or other molten materials;

(b) Milling, sawing, turning, shaping, cutting, grinding, drilling, or stamping of any solid materials;

(c) Heat treatment, tempering, or kiln firing of any metal or other materials;

(d) Gas or electric arc welding, or other forms of welding processes;

(e) Repair or servicing of any vehicle;

(f) Caustic and explosive materials;

(2) Chemical, physical or combined chemical-physical laboratories including caustic acid in explosive materials, hot liquids or solids, injurious radiations, or other hazards not enumerated; is required to wear appropriate industrial quality eye protective devices at all times while participating in or observing such courses of instruction. Such devices may be furnished for all students and teachers, purchased and sold at cost to students and teachers, or made available for a moderate rental fee, and shall be furnished for all visitors to such shops and laboratories.

HB 860, AN ACT relating to the common schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 160 is created to read as follows:

Any statute to the contrary notwithstanding, upon the recommendation of the Superintendent of Public Instruction, the State Board of Education, may adopt regulations authorizing a local board of education to enter into an agreement with a public agency for the purpose of developing and maintaining on school property recreational facilities for school and community purposes in accordance with the following standards:

(1) The property must be used in such a manner and at such times so that there will be no interference with school activities.

(2) The control and management of this property shall be in accordance with regulations adopted hereunder by the State Board of Education.

(3) All agreements must have the prior approval of the Superintendent of Public Instruction and the Attorney General.

(4) Any agreement executed herein shall not be considered an indebtedness within the meaning of Sections 157 and 158 of the State Constitution.

The Committee on Health and Welfare reported **HB 732** and **HB 796** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

HB 732, AN ACT relating to the membership of the Kentucky State Board of Chiropractic Examiners.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 312.025 is amended to read as follows:

The Kentucky state board of chiropractic examiners shall consist of *five (5)* [three (3)] members, appointed by the governor, who shall be doctors of chiropractic of integrity and ability who at the time of their appointment are in active practice of chiropractic and who have been actual residents of Kentucky for at least three (3) years next preceding their appointment. No person shall be appointed who is not a graduate of a recognized college teaching anatomy, physiology, bacteriology, pathology, principles and practice, chemistry, symptomatology, neurology, hygiene and sanitation, philosophy and chiropractic analysis.

Section 2. This Act confirms the reorganization of the Kentucky State Board of Chiropractic Examiners effected by the Governor under Executive Order 72-943.

HB 796, AN ACT relating to public assistance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 205 is created to read as follows:

Money payments made by the Department for Human Resources to the needy aged, needy blind, and the needy permanently and totally disabled shall be:

(1) Mandatory state supplementation of the Supplemental Security Income Program as established by federal law and regulations and administered in the manner agreed to by the Secretary of the United States Department of Health, Education, and Welfare and the Secretary of the Department for Human Resources, or their authorized representatives, and

(2) Such other benefit programs as the Secretary of the Department for Human Resources deems necessary and adopts by regulation in order to maintain the welfare and personal dignity of the needy aged, needy blind, and the needy permanently and totally disabled.

The Committee on Judiciary reported **HB 299** with Committee Substitute attached thereto, **HB 548** with Committee Amendment attached thereto, and **SB 2** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

HB 299, AN ACT relating to public health and the regulation of the practice of abortion in the Commonwealth of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 311 is created to read as follows:

The General Assembly of the Commonwealth of Kentucky hereby finds and declares:

(1) That the following provisions were motivated by the legislative intrusion of the United States Supreme Court by virtue of its decisions removing the protection afforded the unborn. This act is in no way to be construed as implementing, condoning or approving abortions at any stage of unborn infant development, but is rather an expression of the will of the people of the Commonwealth of Kentucky and the members of the General Assembly to provide protection for the life of the unborn child whenever possible until such protection can be afforded by an appropriate amendment to the United States Constitution;

(2) That the members of the General Assembly of the Commonwealth of Kentucky expressly deplore the destruction of the unborn human lives which has and will occur in the Commonwealth of Kentucky as a consequence of the Supreme Court's decisions on abortion;

(3) That it is in the interest of the people of the Commonwealth of Kentucky that every precaution be taken to insure the protection of every viable unborn child being aborted, and every precaution be taken to provide life-supportive procedures to insure the unborn child its continued life after its abortion;

(4) That currently, in the Commonwealth, there are grossly inadequate legal remedies to protect the life, health and welfare of pregnant women and unborn human life; and

(5) That it is in the interest of the people of the Commonwealth of Kentucky to maintain accurate statistical data to aid in providing proper maternal health regulations.

Section 2. A new section of KRS Chapter 311 is created to read as follows:

As used in this Act, and laws of the Commonwealth unless the context otherwise requires:

(1) "Unborn child" shall mean a human being from the time of its conception and, therefore, a person under the Constitution and laws of the Commonwealth of Kentucky.

(2) "Abortion" shall mean an act, procedure, device or prescription administered or prescribed for a pregnant woman by any person, including the pregnant woman herself, with either the intent or result in producing the premature expulsion, removal or termination of the human life within the womb of the pregnant woman, except that in cases in which the unborn child's viability is threatened by continuation of the pregnancy, early delivery after viability by commonly accepted obstetrical practices shall not be construed as an abortion for the purpose of this Act.

(3) "Hospital" shall mean those institutions licensed in the Commonwealth of Kentucky pursuant to the provisions of Chapter 216 of the Kentucky Revised Statutes.

(4) "Consent" as used in this Act with reference to those who must give their consent shall mean an informed consent expressed by a written agreement to submit to an abortion only after the consenting party has had a full explanation of the details, effects, and consequences of the abortion procedure upon both the mother and the unborn life with which she is pregnant, as evidenced by the signature of the consenting parties on a written form of explanation and consent to be promulgated by the State Board of Health.

(5) "Physicians" shall mean any person licensed to practice medicine in the Commonwealth in accordance with the provisions of Chapter 311 in the Kentucky Revised Statutes.

(6) "Pregnant" shall mean that condition of a woman who has unborn human life within her as a result of conception.

(7) "Conception" shall mean the fecundation of the ovum by the spermatozoa.

(8) "Viability" shall mean that stage of human development when the life of the unborn child may be continued by natural or life-supportive systems outside the womb of the mother.

(9) "Accepted medical procedures" shall mean procedures of the type performed in the manner and in a facility which is equipped with surgical, anesthetic, resuscitation and laboratory equipment sufficient to meet the standards of medical care which physicians engaged in the same or similar lines of work, would ordinarily exercise and devote to the benefit of their patients.

Section 3. A new section of KRS Chapter 311 is created to read as follows:

(1) Every physician consulted about abortion by an expectant mother shall inform her of the agencies and services available to assist her to carry the pregnancy to natural term and shall further inform the expectant mother as to all reasonably possible medical and mental consequences resulting from the performance of the abortion.

(2) Any physician who fails to comply with the provisions of subsection (1) of this section, upon conviction thereof, shall be imprisoned in the county or city jail workhouse for a term of not more than 12 months or by a fine not to exceed $1,000, or both. Each violation shall constitute a separate offense.

Section 4. A new section of KRS Chapter 311 is created to read as follows:

Inasmuch as various persons have an interest in and through an unborn child, before an abortion may be performed, written consent to the performance of such abortion must be given by the following individuals:

(1) In all cases such informed consent must be given by the woman upon whom the abortion is to be performed.

(2) If the woman upon whom the abortion is to be performed is married at the time of the performance of the abortion such consent must be given by her husband.

(3) If the woman upon whom the abortion is to be performed was married at the time of conception, but said marriage has been subsequently dissolved between conception and the time that the abortion is to be performed, consent must be given by her husband at the time of conception.

(4) (a) If the pregnant woman is unmarried and under 18 years of age, such consent must be given by the parents, guardians or other responsible agency having legal custody of such pregnant woman.

(b) Failure to procure the informed consent of those required to give their consent pursuant to subsection (a) of this section prior to performing an abortion shall subject the physician so performing that abortion to civil liability for wrongful death or to such other cause of action as the affected party might have. Such failure shall also be punishable by imprisonment in the county jail not to exceed one year or a fine not to exceed $1,000, or both. Each violation shall constitute a separate offense.

Section 5. A new section of KRS Chapter 436 is created to read as follows:

Any person other than a licensed physician who performs or prescribes an abortion, upon conviction thereof, shall be imprisoned in the penitentiary for a term not less than ten nor more than twenty years.

Section 6. A new section of KRS Chapter 311 is created to read as follows:

No abortion shall be performed ninety (90) days or more after the commencement of a pregnancy unless it is performed by a duly licensed physician in a hospital or clinic having sufficient minimal facilities and equipment to insure the maximum safeguard of a patient. Such facilities utilized in the performance of abortion shall be equipped with a blood bank or a sufficient supply of whole blood immediately available and shall have: facilities for rhesus factor (RH) testing; analgesia and anesthesia service; sufficient resuscitation equipment to treat the unconscious patients with cardiovascular collapse; facilities to provide adequate pre-operative and post-operative care; and such other equipment and facilities as may be prescribed by the State Board of Health.

Section 7. A new section of KRS Chapter 311 is created to read as follows:

No person shall perform that form of abortion known as the saline method of abortion.

Section 8. A new section of KRS Chapter 311 is created to read as follows:

No person shall perform that form of abortion known as a hysterotomy unless that person takes all reasonable steps in keeping with reasonable medical practices to preserve the life and health of the unborn child.

Section 9. A new section of KRS Chapter 311 is created to read as follows:

Any person who performs an abortion in a facility other than that required under the provision of Section 6, except in cases of emergency to protect the pregnant woman from an imminent peril that substantially endangers her life, or any person who violates the provisions of Sections 7 and 8 shall be imprisoned in the penitentiary for a term not less than ten nor more than twenty years or shall be fined a sum of not less than $1,000 nor more than $5,000, or both.

Section 10. A new section of KRS Chapter 311 is created to read as follows:

No abortion shall be performed or prescribed after the unborn child has reached viability, except when necessary to preserve the woman from an imminent peril that substantially endangers her life or health.

Section 11. A new section of KRS Chapter is created to read as follows:

No abortion procedure employed pursuant to Section 10 of this Act shall have the direct or indirect effect of terminating the viability of the unborn child prior to, during or following the procedure. A person convicted of violation of Sections 10 or 11 of this Act shall be imprisoned in the penitentiary for not less than ten nor more than twenty years.

Section 12. A new section of KRS Chapter 436 is created to read as follows:

Whenever an abortion procedure results in a live birth or is capable of producing a live birth, any failure to take all reasonable steps to produce such live birth or to protect such live child in keeping with accepted medical procedures shall subject the responsible party to the laws of the Commonwealth governing homicide, manslaughter and civil liability for wrongful death and medical malpractice.

Section 13. A new section of KRS Chapter 311 is created to read as follows:

(1) Any child which is live born after an attempted abortion shall be fully recognized as a human person under the law and a birth certificate shall be issued certifying the birth of said live born person even though said person may die thereafter. In the event death does ensue, a death certificate shall be issued. Both the birth and death certificates shall issue as required by KRS Chapter 213.

(2) When such live born person survives, he or she shall become an abandoned ward of the State and the mother and father of such person shall have no parental rights or obligations whatsoever as relates to the abandoned, the same as if parental rights had been terminated pursuant to the provisions of KRS 199.600-199.630.

Section 14. A new section of KRS Chapter 436 is created to read as follows:

Any person who performs, prescribed, administers or advises an abortion by using anything other than accepted medical procedures shall be imprisoned in the penitentiary for a term not less than ten nor more than twenty years.

Section 15. A new section of KRS Chapter 216 is created to read as follows:

No hospital, clinic, institution or any other facility in this state shall be required to admit any patient for the purpose of performing an abortion nor required to allow the performance of an abortion therein. No cause of action shall arise against any hospital, clinic, institution or other facility for refusing to perform or allow an abortion.

Section 16. A new section of KRS Chapter 436 is created to read as follows:

(1) No person shall be required to perform or participate directly or indirectly in any abortion, and the refusal of that person to participate in an abortion shall not be a basis for civil liability to any person. No hospital, governing board, or other person, firm, association or group shall terminate the employment or alter the position of, or prevent the practice or occupation of, or impose any other sanction or otherwise discriminate against any person who refuses to participate in an abortion, or to counsel same, or participate in the process in any way.

(2) Any person, firm, corporation, group or association who violates subsection (1) of this section shall be imprisoned in the county jail for a term not to exceed twelve months or punished by a fine of not less than $500 nor more than $1,000, or both.

Section 17. A new section of KRS Chapter 216 is created to read as follows:

Any person whose employment or position has been altered, impaired or terminated in violation of this act may sue in Circuit Court for all consequential damages, lost wages, reasonable attorney's fees incurred, and the cost of litigation.

Section 18. A new section of KRS Chapter 216 is created to read as follows:

Any person whose employment or position has been altered, impaired or terminated because of his refusal to participate in an abortion shall have the right to injunctive relief, including temporary relief, pending trial upon showing of an emergency in the Circuit Court in accordance with the statutes, rules and practices applicable in other similar cases.

Section 19. A new section of KRS Chapter is created to read as follows:

(1) No woman may be denied governmental assistance or be otherwise discriminated against or otherwise subjected to coercion in any way for refusing to accept or submit to an abortion, which she may do for any reason without explanation.

(2) No hospital, either public or private, shall ever be denied governmental assistance or be otherwise discriminated against or otherwise be subject to coercion in any way for refusing to permit its facilities, staff or employees to be used in any way for the purpose of performing an abortion.

(3) Any person who violates subsections (1) or (2) of this section shall be imprisoned in the county jail for a term not to exceed twelve months or a fine in a sum not to exceed $1,000, or both.

Section 20. A new section of KRS Chapter 436 is created to read as follows:

Whoever shall sell, transfer, distribute or give away any live or viable aborted child or permits such child to be used for any form of experimentation shall be imprisoned in the penitentiary for a term of not less than ten nor more than twenty years.

Section 21. A new section of KRS Chapter 213 is created to read as follows:

(1) The Bureau of Vital Statistics of the Department of Health shall establish an abortion reporting form which shall be used for the reporting of every abortion performed or prescribed in this state. The purpose and function of such form shall be the improvement of maternal health and life through the compilation of relevant maternal health and life data and to monitor all abortions performed to assure that they are done only in accordance with the provisions of law. Such form shall include the following items in addition to such other information as may be required by the State Department of Health:

(a) The age of the pregnant woman;
(b) The marital status of the pregnant woman;
(c) The location of the facility where the abortion was performed or prescribed;
(d) The type of procedure performed or prescribed;
(e) Complications, if any;
(f) The name of the attending physician;
(g) The name of the referring physician, agency or service if any;
(h) The given menstrual age of the unborn child aborted;
(i) The pregnant woman's obstetrical history regarding pregnancies, abortions and live births;
(j) The results of pathological examinations of all unborn children aborted;
(k) The stated reason or reasons for which the abortion was requested;
(l) State and county of the pregnant woman's legal residence and father's residence, if known; and
(m) The length and weight of the aborted child when measurable.

(2) The completed form shall be certified by the attending physician and be sent to the Bureau of Vital Statistics within 15 days after each reporting month.

(3) The completed form shall be an original typed or written legibly in durable ink and shall not be deemed complete unless the omission of any item of information required shall have been disclosed or

satisfactorily accounted for.

Section 22. A new section of KRS Chapter 213 is created to read as follows:

Any physician who fails to comply with the procedures outlined in Section 21 of this Act shall be imprisoned in the county jail for a term not to exceed 90 days or fined in an amount not to exceed $500, or both.

Section 23. A new section of KRS Chapter 213 is created to read as follows:

The Division of Vital Statistics shall keep on permanent file compilations of the information submitted on the abortion reporting form pursuant to rules and regulations established by the Department of Health which compilations shall be a matter of public record.

Section 24. A new section of KRS Chapter 211 is created to read as follows:

The State Department of Health is hereby authorized and directed to promulgate rules and regulations not inconsistent with the provisions or intent of this Act as might be necessary to provide for the protection and improvement of the health of expectant mothers and viable unborn children in the performance of any abortion, which rules and regulations shall be enforced in accordance with the provisions of Chapter 211 of the Kentucky Revised Statutes.

Section 25. A new section of KRS Chapter 391 is created to read as follows:

Any person or the legal representative of the person who is entitled (or who would be entitled if the child had been born alive) to bring an action for parental injuries or wrongful death or who could have inherited from the child if it were born living and then died or who otherwise would have justiciable interest in or through the life of the child, were it born living, may maintain an action for wrongful death, for the termination of rights to real or personal property, or an action for damages for violation of any justiciable interest, against any person who suffers or performs an abortion, which is not necessary to save the life of the pregnant woman or prevent serious or permanent danger to her personal health. A person awarded damages under this section may recover in such action three times damages found by the Court or jury to accrue to such person by reason of such abortion. If an abortion is performed in violation of this Act, punitive damages and costs, including reasonable attorney's fees, may be added to such damage awarded.

Section 26. A new section of KRS Chapter 436 is created to read as follows:

No abortion may be performed in a hospital owned, maintained, or operated within the Commonwealth of Kentucky by the United States, the Commonwealth of Kentucky, or any political subdivision of the latter, or any agency or authority of the foregoing except where necessary to preserve the life of the woman. Any violation of this section by any person, firm, association, or corporation shall be punishable by imprisonment in the county jail not to exceed one year or a fine not to exceed $1,000, or both, each separate occurrence to constitute a separate offense.

Section 27. A new section of KRS Chapter 436 is created to read as follows:

No abortion shall be performed on any woman without the passing of at least a 24 hour period between the filing of the written consent, by the required consenting parties, and the actual performance of the abortion unless an emergency situation presents imminent peril substantially endangering the life of the woman. Any person violating this section shall be imprisoned in the county jail not to exceed one year or a fine not to exceed $1,000, or both.

Section 28 A new section of KRS Chapter 436 is created to read as follows:

(1) Any person who prescribes or administers to any pregnant woman or to any woman who he has reason to believe pregnant, at any time during the period of gestation, any drug, medicine, or other substance or uses any instrument or other means with the intent to procure the miscarriage of that woman, unless the miscarriage is necessary to preserve the woman's life, shall be imprisoned in the penitentiary for a term of not less than five nor more than ten years.

(2) If by reason of any of the acts described in section (1) of this section, the miscarriage of the woman is procured and she does miscarry, causing the death of the unborn child, whether before or after quickening time, the person violating the provisions of subsection (1) of this section shall be confined in the penitentiary for a term of not less than ten nor more than twenty years.

(3) In any prosecution under subsections (1) and (2) of this section the consent of the woman to the performance of the operation or the administering of the drug, medicine or other substance shall be no defense, and she shall be a competent witness for the prosecution. For the purpose of testifying, she shall not be an accomplice.

Section 29. A new section of KRS Chapter 311 is created to read as follows:

The effective date of Section 28 of this Act shall be that specific date upon which the States are given constitutional authority to prohibit all abortions (except to preserve the life of the mother). On that same date the provisions of Sections 5, 6, 9 and 14 of this Act are repealed.

Section 30 A new section of KRS Chapter 311 is created to read as follows:

If any section of this Act or any part of any section shall be invalid or unconstitutional, the declaration of such invalidity shall not affect the validity of the remaining portions thereof.

The Committee Substitute for **HB 299** is as follows:

HB 299, AN ACT relating to the regulation of abortion.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 311 is created to read as follows:

The General Assembly of the Commonwealth of Kentucky hereby finds and declares:

(1) That it is in the interest of the people of the Commonwealth of Kentucky that every precaution be taken to insure the protection of every viable unborn child being aborted, and every precaution be taken to provide life-supportive procedures to insure the unborn child its continued life after its abortion; and

(2) That currently, in the Commonwealth, there is inadequate legislation to protect the life, health and welfare of pregnant women and unborn human life; and

(3) That it is in the interest of the people of the Commonwealth of Kentucky to maintain accurate statistical data to aid in providing proper maternal health regulations.

Section 2. A new section of KRS Chapter 311 is created to read as follows:

As used in this Act, and laws of the Commonwealth unless the context otherwise requires:

(1) "Abortion" shall mean an act, procedure, device or prescription administered or prescribed for a pregnant woman by any person, including the pregnant woman herself producing the premature expulsion of the fetus, except that in cases in which the unborn child's viability is threatened by continuation of the pregnancy, early delivery after viability by commonly accepted obstretrical practices shall not be construed as an abortion for the purposes of this Act.

(2) "Hospital" shall mean those institutions licensed in the Commonwealth of Kentucky pursuant to the provisions of Chapter 216 of the Kentucky Revised Statutes.

(3) "Consent" as used in this Act with reference to those who must give their consent shall mean an informed consent expressed by a written agreement to submit to an abortion on a written form of consent to be promulgated by the State Board of Health.

(4) "Physicians" shall mean any person licensed to practice medicine in the Commonwealth in accordance with the provisions of Chapter 311 of the Kentucky Revised Statutes.

(5) "Viability" shall mean that stage of human development when the life of the unborn child may be continued by natural or life-supportive systems outside the womb of the mother.

(6) "Accepted medical procedures" shall mean procedures of the type performed in the manner and in a facility with equipment sufficient to meet the standards of medical care which physicians engaged in the same or similar lines or work, would ordinarily exercise and devote to the benefit of their patients.

Section 3. A new section of KRS Chapter 311 is created to read as follows:

After the first trimester, every physician who performs an abortion, shall, before the performance of the abortion inform the expectant mother of the reasonably possible physical and mental consequences of the performance of the abortion or the nonperformance of the abortion.

Section 4. A new section of KRS Chapter 311 is created to read as follows:

Before an abortion may be performed, consent to the performance of such abortion shall be given by the following individuals:

(1) In all cases consent shall be given by the woman upon whom the abortion is to be performed.

(2) If the woman upon whom the abortion is to be performed is married at the time of the performance of the abortion, consent shall be given by her husband.

(3) After the first trimester, if the pregnant woman is unmarried and under eighteen years of age, consent shall be given by either of her parents, her guardian or other responsible agency having legal custody of the pregnant woman.

Section 5. A new section of KRS Chapter 311 is created to read as follows:

Subject to the provisions of Section 6 (1) of this Act, no person other than a licensed physician shall perform an abortion.

Section 6. A new section of KRS Chapter 311 is created to read as follows:

An abortion may be performed in this state only under the following circumstances:

(1) During the first trimester of pregnancy by a woman upon herself upon the advice of a licensed physician or by a licensed physician.

(2) After the first trimester of pregnancy, except in cases of emergency to protect the life or health of the pregnant woman, where an abortion is permitted under other provisions of this Act, by a duly licensed physician in a hospital or clinic having sufficient minimal facilities and equipment to insure the maximum safeguard of a patient. Such facilities utilized in the performance of abortion shall be equipped with a blood

bank or a sufficient supply of whole blood immediately available and shall have: facilities for rhesus factor (RH) testing; analgesia and anesthesia service; sufficient resuscitation equipment to treat the unconscious patients with cardiovascular collapse; facilities to provide adequate preoperative and postoperative care; and such other equipment and facilities as may be prescribed by the State Board of Health.

Section 7. A new section of KRS Chapter 311 is created to read as follows:

After the first trimester no person shall perform the form of abortion known as the saline method of abortion.

Section 8. A new section of KRS Chapter 311 is created to read as follows:

No abortion shall be performed or prescribed knowingly after the unborn child may reasonably be expected to have reached viability, except when necessary to preserve the life or health of the woman. In those instances where an abortion is performed under this section, the person performing the abortion shall take all reasonable steps in keeping with reasonable medical practices to preserve the life and health of the child, including but not limited to Section 6 (2) of this Act.

Section 9. A new section of KRS Chapter 311 is created to read as follows:

Any child which is live born after an attempted abortion shall be fully recognized as a human person under the law and a birth certificate shall be issued certifying the birth of said live born person even though said person may die thereafter. In the event death does ensue, a death certificate shall be issued. Both the birth and death certificates shall issue as required by KRS Chapter 213.

Section 10. KRS 199.600 is amended to read as follows:

(1) In a proceeding involving a neglected or abandoned child, as defined in KRS 199.011, the circuit court may terminate all parental rights of the parents of such child, and declare the child to be a ward of the state, and may vest the care, custody and control of the child in the department, or in any licensed child-caring or child-placing agency or institution, if facilities are available to receive the child, if it is pleaded and proved in a private hearing that the parents have abandoned or deserted the child, or have substantially or continuously or repeatedly neglected the child or refused to give the child parental care and protection, or that the child is neglected and that the parents have been adjudged mentally incompetent and such judgment has been in effect for not less than one year.

(2) If the circumstances described in subsection (1) of this section exist with respect to only one of the two legitimate parents, the parental rights of that parent may be terminated, in which case the child shall not be declared to be a ward of the state, unless with the voluntary consent of the other parent, or if one of the two legitimate parents has willfully, substantially and continuously refused for a period of at least one year to give or pay any support, the parental rights of that parent may be terminated immediately by order of the court, in which case the child shall not be declared a ward of the state, unless with the voluntary consent of the other parent.

(3) In an action to terminate parental rights under this section the parents, if the child is legitimate, or the mother if the child is born out of wedlock, must be personally summoned; or where personal service cannot be made, must be constructively summoned as provided in the Rules of Civil Procedure.

(4) In the event the infant is made party defendant to the action, the boarding home or foster parent shall not be served with summons notwithstanding provisions of CR 4.04 (3).

(5) The court may be convened at any time wherever the judge thereof may be found within this district, irrespective of the regular term for the purpose of terminating parental rights under this section, and shall complete the same as soon as possible.

(6) Proceedings under this section may be instituted upon petition by the department, any probation officer, any state or local law enforcement officer, any county or Commonwealth's attorney or parent.

(7) In the event a parent who is a defendant in an action for involuntary termination of parental rights is for financial reasons unable to obtain legal representation, the court shall appoint an attorney for such person if defendant requests counsel. The court may appoint counsel for any defendant under this statute if in the opinion of the court justice will be served. Unless the attorney appointed receives a salary or fee from another source, he shall be paid a reasonable fee for his services which shall be taxed as costs not to exceed $150.

(8) Unless one or both parents object thereto in writing within ten days after an abortion results in a live birth, the live born person shall become an abandoned ward of the state and the mother and father of such person shall have no parental rights or obligations whatsoever as relates to the abandoned, the same as if parental rights had been terminated pursuant to the provisions of KRS Chapter 199.

Section 11. A new section of KRS Chapter 311 is created to read as follows:

(1) No hospital or other health care facility shall be required to, or held liable for refusal to, perform or permit the performance of abortion contrary to its stated ethical policy. No physician, nurse staff member or employe of a hospital or other health care facility, who shall state in writing to such hospital or health care facility his objection to performing, participating in, or cooperating in, abortion on moral, religious or professional grounds, be required to, or held liable for refusal to, perform, participate in, or cooperate such abortion.

(2) It shall be an unlawful discriminatory practice for the following:

(a) Any person to impose penalties or take disciplinary action against, or to deny or limit public funds, licenses, certifications, degrees, or other approvals or documents of qualification to, any hospital or other health care facility due to the refusal of such hospital or health care facility to perform or permit to be performed, participate in, or cooperate in, abortion by reason of objection thereto on moral, religious or professional grounds, or because of any statement or other manifestation of attitude by such hospital or health care facility with respect to abortion; or,

(b) Any person to impose penalties or take disciplinary action against, or to deny or limit public funds, licenses, certifications, degrees, or other approvals or documents of qualification to any physician, nurse or staff member or employe of any hospital or health care facility, due to the willingness or refusal of such physician, nurse or staff member or employe to perform or participate in abortion by reason of objection thereto on moral, religious or professional grounds, or because of any statement or other manifestation of attitude by such physician, nurse or staff member or employe with respect to abortion; or,

(c) Any public or private agency, institution or person, including a medical, nursing or other school, to deny admission to, impose any burdens in terms of conditions of employment upon, or otherwise discriminate against any applicant for admission thereto or any physician, nurse, staff member, student or employe thereof, on account of the willingness or refusal of such applicant, physician, nurse, staff member, student or employe to perform or participate in abortion or sterilization by reason of objection thereto on moral, religious or professional grounds, or because of any statement or other manifestation of attitude by such person with respect to abortion or sterilization if that health care facility is not operated exclusively for the purposes of performing abortions or sterilizations.

Section 12. A new section of KRS Chapter 311 is created to read as follows:

No woman may be denied governmental assistance or be otherwise discriminated against or otherwise subjected to coercion in any way for accepting or refusing to accept or submit to an abortion, which she may do or not do for any reason without explanation.

Section 13. A new section of KRS Chapter 436 is created to read as follows:

Whoever shall sell, transfer, distribute or give away any live or viable aborted child or permits such child to be used for any form of experimentation shall be imprisoned in the penitentiary for a term of not less than ten nor more than twenty years. Nothing contained in this section shall be construed as prohibiting adoption or foster care proceedings pursuant to the provisions of the laws of the Commonwealth.

Section 14. A new section of KRS Chapter 213 is created to read as follows:

(1) The Bureau of Vital Statistics of the Department of Health shall establish an abortion reporting form which shall be used for the reporting of every abortion performed or prescribed in this state after the first trimester. Such form shall include the following items in addition to such other information as may be required by the State Department of Health:

(a) The age of the pregnant woman;

(b) The marital status of the pregnant woman;

(c) The location of the facility where the abortion was performed or prescribed;

(d) The type of procedure performed or prescribed;

(e) Complications, if any;

(f) The name of the attending physician;

(g) The name of the referring physician, agency or service if any;

(h) The given menstrual age of the unborn child aborted;

(i) The results of any pathological examinations of unborn children aborted;

(j) The legal residence of the woman and the legal residence of the father of the aborted fetus or child, if known; and

(k) The length and weight of the aborted child when measurable.

(2) The completed form shall be certified by the attending physician and be sent to the Bureau of Vital Statistics within 15 days after each reporting month.

Section 15. A new section of KRS Chapter 211 is created to read as follows:

The Department for Human Resources shall promulgate reasonable rules and regulations to effectuate the purposes of this Act, which shall be submitted to the Legislative Research Commission in a manner prescribed the KRS Chapter 13; the Legislative Research Commission shall refer said rules and regulations to the Interim Committee on Health and Welfare for the purpose of approval or disapproval.

Section 16. A new section of KRS Chapter 436 is created to read as follows:

No abortion shall be performed on any woman without the passing of at least a 24 hour period between the filing of the written consent, by the required consenting parties, and the actual performance of the abortion unless an emergency situation presents imminent peril substantially endangering the life of the woman.

Section 17. A new section of KRS Chapter 311 is created to read as follows:

(1) Any physician who fails to comply with the provisions of Section 3 of this Act, upon conviction thereof shall be fined not more than $500.

(2) Failure to procure the informed consent of those required to give their consent pursuant to Section 4 of this Act, prior to performing an abortion shall be punishable by imprisonment in the county jail not to exceed one year or a fine not to exceed $1,000, or both.

(3) Any person convicted of violating Section 5 of this Act shall be imprisoned in the penitentiary for a term of not less than ten nor more than twenty years.

(4) Any person who violates Sections 6 (2), 7 or 8 of this Act shall be imprisoned for a term not to exceed two years or fined not more than $5,000, or both.

(5) A person convicted of violating Section 8 of this Act shall be imprisoned in the penitentiary for not less than two nor more than twenty-one years.

(6) Any person who violates Section 12 of this Act shall be imprisoned in the county jail for a term not to exceed twelve months or a fine in a sum not to exceed $1,000, or both.

(7) Any physician who fails to comply with the procedures outlined in Section 14 of this Act shall be fined an amount not to exceed $500.

(8) Any person violating Section 16 of this Act shall be imprisoned in the county jail not to exceed one year or a fine not to exceed $1,000, or both.

Section 18. A new section of KRS Chapter 311 is created to read as follows:

If any section of this Act or any part of any section shall be invalid or unconstitutional, the declaration of such invalidity shall not affect the validity of the remaining portions thereof.

Section 19. KRS 435.040 and 436.020 are repealed.

HB 548, AN ACT relating to criminal records.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 17 is created to read as follows:

(1) The records required to be kept by law enforcement agencies within the Commonwealth dealing with criminal matters shall not be considered as public records but shall be maintained for the purposes necessary to the proper administration of the criminal justice system, including law enforcement, judicial, penal and correctional agencies in dealing with criminals and delinquents.

(2) This section shall not preclude the release and publication of statistical data concerning crime, criminals or delinquents which is required by KRS 17.153 or similar state and federal requirements for criminal statistics.

(3) A law enforcement agency may permit any person who has an arrest record on file with such agency to inspect or obtain a copy of his arrest record at such time and upon such terms and conditions as may be reasonable, including the payment of cost of reproduction; or such person may authorize the release of his arrest record to another by executing a writing to that effect before a notary public.

The Committee Amendment to **HB 548** is as follows:

Amend printed copy of House Bill 548, page 1, line 17, by inserting after the word "agency" the following: "*, upon verification of his identity by fingerprint comparison,*"

SB 2, AN ACT relating to mechanics' and materialmen's lien.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 376.010 is amended to read as follows:

(1) Any person who performs labor or furnishes materials for the erection, altering or repairing of a house or other structure or for any fixture or machinery therein, for the excavation of cellars, cisterns, vaults, wells or for the improvement in any manner of real property including the furnishing of agricultural lime, fertilizer, concrete pipe or drainage tile, crushed rock, gravel for roads or driveways, and materials used in the construction or maintenance of fences, by contract with, or by the written consent of, the owner, contractor, subcontractor, architect or authorized agent, shall have a lien thereon, and upon the land upon which the improvements were made or on any interest the owner has therein, to secure the amount thereof with interest as provided in KRS 360.040 and costs. The lien on the land or improvements shall be superior to any

mortgage or encumbrance created subsequent to the beginning of the labor or the furnishing of the materials, and the lien, if asserted as hereinafter provided, shall relate back and take effect from the time of the commencement of the labor or the furnishing of the materials. The lien shall not be for a greater amount in the aggregate than the contract price of the original contractor, and should the aggregate amount of the liens exceed the price agreed upon between the original contractor and the owner there shall be a pro rata distribution of the original contract price among the lienholders.

(2) The lien shall not take precedence over a mortgage or other contract lien or bona fide conveyance for value without notice, duly recorded or lodged for record according to law, unless the person claiming the prior lien shall, before the recording of the mortgage or other contract lien or conveyance, file in the office of the clerk of the county court of the county wherein he has furnished or expects to furnish labor or materials, a statement showing that he has furnished or expects to furnish labor or materials, and the amount in full thereof. The lien shall not, as against the holder of a mortgage or other contract lien or conveyance, exceed the amount of the lien claimed or expected to be claimed as set forth in the statement. The statement shall, in other respects, be in the form prescribed by KRS 376.080.

(3) No person who has not contracted directly with the owner or his agent shall acquire a lien under this section unless he notifies in writing the owner of the property to be held *liable* or his authorized agent, within seventy-five (75) days on claims amounting to less than $1,000 and one hundred twenty (120) days on claims in excess of $1,000 after the last item of material or labor is furnished, of his intention to hold the property liable and the amount for which he will claim a lien. It shall be sufficient to prove that the notice was mailed to the last known address of the owner of the property upon which the lien is claimed, or to his duly authorized agent within the county in which the property to be held liable is located.

(4) No person who has not contracted directly with the owner-occupant or his authorized agent shall acquire a lien under this section on an owner-occupied single or double family dwelling or the appurtenances or additions thereto unless he notifies in writing the owner-occupant of the property to be held liable or his authorized agent not more than ten (10) days after the first item of material or labor is furnished, of the delivery of the material or performance of labor and of his intention to hold the property liable and the amount for which he will claim a lien. It shall be sufficient to prove that the notice was mailed to the last known address of the owner-occupant of the property upon which the lien is claimed, or to his duly authorized agent. This notice is in lieu of the notice provided for in subsection (3). Notwithstanding the foregoing provisions of this subsection, the lien provided for under this section shall not be applicable to the extent that an owner-occupant of a single or double family dwelling has, prior to receipt of the notice provided for in this subsection, paid the contractor, subcontractor, architect or authorized agent for work performed or materials furnished prior to such payment.

The Committee Amendment No. 1 to **SB 2** is as follows:

Amend printed copy of Senate Bill 2 on page 4, line 1, by inserting the following:

"Section 2. A new section of KRS Chapter 371 is created to read as follows:

No waiver of defense clause in any retail installment contract shall operate to cut off any defense that an owner-occupant of a single or double family dwelling or the appurtenances or additions thereto may have acquired by virtue of a third party materialmen's lien under KRS 376.010 (4)."

The Committee Amendment No. 2 to **SB 2** is as follows:

Amend printed copy of Senate Bill 2 on page 4, line 9, by inserting at the end of the line the following:

"*The contractor or subcontractor cannot be the authorized agent under this subsection.*"

The Committee on Highways and Traffic Safety reported **HB 390,** with Senate Amendment attached thereto, with the expression of opinion that the same should pass. Ordered placed in Orders of the Day.

The Committee on Highways and Traffic Safety reported **HR 96, SB 72,** and **SB 208** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HR 96, A RESOLUTION requesting the Secretary of Transportation to negotiate with Federal Highway Administration officials toward modification of highway advertising restrictions in mountainous areas.

WHEREAS, federal and state laws and regulations forbid erection of advertising signs within a horizontal distance of 660 feet from the right-of-way of an Interstate highway; and

WHEREAS, the present formula for measuring said distance works a hardship on tourist industries located in mountainous terrain in that an advertising sign might be 800 feet in a direct line above the edge of the right-of-way, yet fall within the 660 foot limitation when measured horizontally; and

WHEREAS, the enforcement of existing laws and regulations is having a disastrous effect upon the tourist industry in the mountainous areas of this and other states; and

WHEREAS, there are only a few locations in mountainous areas which meet present requirements and these have become unsightly accumulations of many signs; and

WHEREAS, tax revenues generated through sales by the tourist industry more than offset any funds received from the federal government of one-half of one percent of total eligible costs for beautifications projects;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Secretary of Transportation be requested to negotiate with Federal Highway Administration officials in an effort to obtain a modification of existing laws and regulations which will allow advertising devices beyond a point measured by a diagonal line from the right-of-way for a distance of 660 feet on terrain that has a rising grade of more than 10 degrees.

SB 72, AN ACT relating to motor vehicle registration.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 186.005 is amended to read as follows:

(1) It is declared to be the policy of this commonwealth that all commercial vehicles should be regulated, registered and the laws pertaining thereto be administered by the department of [motor] transportation. Motor vehicles other than commercial vehicles other than commercial vehicles should be registered, regulated and controlled by the department of *transportation* [revenue] and the department of *justice* [public safety].

(2) All motor vehicles registered under the provisions of KRS 186.050(1) shall be on a calendar year basis and evidenced by a license plate whose registration designation is a combination of three letters of the alphabet and three arabic numerical digits. These registration plates shall be issued for use during a multi-year period and validated for continued use the following year, or years, by affixing an appropriate insignia of plastic or adhesive material bearing the date of the new year.

(3) [(2)] The registration [plates,] insignia and receipts issued in accordance with the terms of *KRS 186.050(1)* [this chapter] are on a calendar year basis. The department of [motor] transportation may promulgate regulations and prepare the proper insignia and forms, which forms shall include information required by the department of revenue[, in order to administer the provisions of this chapter with regard to commercial vehicles].

SB 208, AN ACT relating to motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 189.450 is amended to read as follows:

(1) No person shall stop a vehicle, leave it standing or cause it to stop or to be left standing upon the main traveled portion of a highway; Provided, however, That this section shall not be construed to prevent parking off the main traveled portion of a highway or street in a city or suburban area where such parking is otherwise permitted. This subsection shall not apply to:

(a) A vehicle that has been disabled on the main traveled portion of such a highway in such a manner and to such extent that it is impossible to avoid the occupation of the main traveled portion or impracticable to remove it from the highway until repairs have been made or sufficient help obtained for its removal;

(b) Motor vehicles when required to stop in obedience to the provisions of any section of the Kentucky Revised Statutes or any traffic ordinance, regulation or sign or the command of any peace officer;

(c) Vehicles operating as common carriers of passengers for hire and school buses taking passengers on such vehicle or discharging passengers therefrom, provided that no such vehicle shall stop for such purposes at a place on the highway which does not afford reasonable visibility to approaching motor vehicles from both directions.

(d) Any vehicle required to stop by reason of an obstruction to its progress.

(2) Whenever any police officer finds a vehicle standing upon such a highway in violation of this section, he may move the vehicle, or require the operator or other person in charge of the vehicle to move it, to a position off the paved or improved or main traveled part of the highway.

(3) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in a tunnel where the vehicle constitutes an obstruction to traffic, the officer may provide for the removal of the vehicle to the nearest garage or other place of safety.

(4) No person shall stop or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in the following places:

(a) On a sidewalk;

(b) In front of a public or private driveway;

(c) Within an intersection;

(d) At any place where official signs prohibit stopping *or parking*; or

(e) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway.

(5) No person shall move a vehicle not lawfully under his control into any such prohibited area.

(6) The restrictions in (4) (d) of this section shall not apply to sheriffs and their deputies when operating properly identified vehicles during performance of their official duties.

The Committee on Appropriations and Revenue reported **SB 236,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 236, AN ACT relating to the compensation of elected officials.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 64 is created to read as follows:

In order to equate the compensation of commonwealth's attorneys, county judges, county attorneys, county clerks, circuit clerks, sheriffs and jailers with the purchasing power of the dollar, the Department of Commerce shall compute by the second Friday in February of every year the annual increase or decrease in the Consumer Price Index of the preceding year by using 1949 as the base year in accordance with section 246 of the Constitution of Kentucky which provides that the above elected officials shall be paid at a rate no greater than $7,200 per annum. The Department of Commerce shall notify the appropriate governing bodies charged by law to fix the compensation of the above elected officials of the annual rate of compensation to which the elected officials are entitled pursuant to the increase or decrease in the Consumer Price Index. Upon notification from the Department of Commerce, the appropriate governing body may set the annual compensation of the above elected officials at a rate no greater than that stipulated by the Department of Commerce.

Section 2. KRS 64.345 is amended to read as follows:

(1) The circuit clerk, county clerk, sheriff and jailer of each county having a population of 75,000 or over shall receive an annual salary of *$14,300* [$12,600]

(2) The amount, if any, allowed for the necessary office expenses of each officer shall be fixed by an order entered upon the order book of the circuit court and county court, and signed by the judges or a majority thereof of the courts. A certified copy of the order, and of any subsequent changes made therein, shall, as soon as entered, be forwarded to the department of finance.

(3) Each officer shall, on the first day of each month, send to the department of finance a statement, subscribed and sworn to by him, showing the amount of money received or collected by or for him the preceding month, as fees or compensation for official duties, and shall, with such statements, send to the

department of finance the amount so collected or received. The department of finance may extend the time for filing the statement and making the payment for a period not exceeding ten (10) days in any month.

(4) The salary of each officer and his deputies and assistants and his office expenses, shall be paid monthly by the state treasurer upon the warrant of the department of finance made payable to the officer. If seventy-five per cent (75%) of the amount paid into the state treasury in any month by any of such officers is not sufficient to pay the salaries and expenses of his office for that month, the deficit may be made up out of the amount paid in any succeeding month; but in no event shall the amount allowed by the department of finance to any officer for salaries and expenses exceed seventy-five per cent (75%) of the amount paid to the department of finance by the officer during his official term.

(5) The number of deputies and assistants allowed to each officer and the compensation allowed to each deputy and assistant shall be fixed at reasonable amounts upon motion of each officer by an order entered upon the order book of the circuit court and county court and signed by the judges or a majority thereof of those courts. A certified copy of the order, and of any subsequent changes made therein, shall, as soon as entered, be forwarded to the department of finance.

Section 3. KRS 64.510 is amended to read as follows:

(1) The maximum compensation that may be received by a commonwealth's attorney out of the state treasury, including the annual salary and the percentage of fines and forfeitures provided for in subsection (2) of this section, shall not exceed *$14,300* [$9,600] and the amount provided by KRS 64.515.

(2) Each commonwealth's attorney shall receive an annual salary of $1,200 to be paid out of the state treasury. In addition thereto and in lieu of all taxed fees and perquisites, he shall be allowed the sum of *$13,100* [$8,400] a year out of the fines and forfeitures rendered in his district, to be paid monthly out of the fines and forfeitures collected and paid into the state treasury each month. Except as provided in KRS 150.160, he shall receive forty per cent (40%) of all fines and forfeitures recovered in prosecutions before any county judge or magistrate and all of the fines and forfeitures rendered in circuit court except that part now allowed the circuit clerk and the county attorney. When the fines and forfeitures rendered in favor of the commonwealth in the several courts in his district in any year are not sufficient to allow him *$13,100* [$8,400] and in the succeeding year they are sufficient to exceed that amount, he shall be paid out of the excess, if sufficient, the sum necessary to bring his compensation from fines and forfeitures for the preceding year to *$13,100* [$8,400]. In no case shall he receive more than the maximum allowed under subsection (1) of this section.

(3) Counties shall have the same authority to allow and pay additional compensation to the commonwealth's attorney as is conferred by KRS 64.500 with respect to circuit judges, within the constitutional limit on the compensation of officers whose jurisdiction or duties are coextensive with the commonwealth.

Section 4. KRS 64.530 is amended to read as follows:

(1) Except as provided in subsections (6) and (7) of this section, the fiscal court of each county shall fix the compensation of every county officer and employe except the officers named in KRS 64.535.

(2) The county attorney of each county shall receive a reasonable annual salary to be fixed by the fiscal court. In addition to such salary, the county attorney shall also be entitled to the statutory fees of his office, but his annual salary as fixed by the fiscal court plus the fees of his office shall not exceed *$14,300* [$12,600].

(3) For the purposes of this section, master commissioners and receivers in counties other than those containing a population of 75,000 or more, and justices of the peace and constables in all counties, shall be deemed to be county officers, and deputies or assistants of county officers shall be deemed to be county employes, but employes of county boards or commissions which are now authorized by law to fix the compensation of their employes shall not be deemed to be county employes for the purposes of this section.

(4) In the case of officers compensated from fees, or partly from fees and partly by salary, the fiscal court shall fix the maximum compensation that any officer except the officers named in KRS 64.535 may receive, from both sources. The fiscal court may also fix the number of deputies and assistants, and, except as provided in subsection (8), the compensation thereof, and the maximum amount that the officer may expend each year for expenses of his office.

(5) In the case of county officers elected by popular vote, the annual compensation of the officer and of his deputies and assistants shall be fixed by the fiscal court not later than the first Monday in May in the year in which the officers are elected, and the compensation of the officer shall not be changed during the term but the compensation of his deputies or assistants may be reviewed and adjusted by the fiscal court not later than the first Monday in May of any successive year upon the written request of the officer. On or before August 1, 1966, the fiscal court shall fix the salary provided herein for the county attorneys for the term commencing in January, 1966, notwithstanding any other provisions of this section which may be inconsistent herewith.

(6) Nothing in this section shall apply to property valuation administrators or their deputies, assistants and expenses, in any county, or to the circuit court clerk, county court clerk, sheriff, jailer, master commissioner or receiver, and their deputies, assistants and expenses, in counties having a population of 75,000 or more.

(7) Justices of the peace serving on a fiscal court in any county, and county commissioners serving on a fiscal court in any county other than one containing a city of the first, second, third or fourth class, shall be paid for their services, out of the county treasury, not to exceed two hundred *sixty ($260)* [fifteen ($215)] dollars per month. The fiscal court shall fix the amount to be received within the above limit, but no change of compensation shall be effective as to any member of a fiscal court during his term of office. The compensation of county commissioners serving on fiscal courts in counties containing a city of the first class shall not exceed *$9,600* [$8,000] per year, in counties containing cities of the second class it shall not exceed *$9,000* [$7,500] per year and in counties containing cities of the third or fourth class it shall not exceed twenty percent more than the annual compensation paid in the county for the calendar year immediately preceding g *1974* [June 16, 1972], and all of said annual salaries shall be payable monthly. Justices of the peace and county commissioners shall not receive any compensation for their services on the fiscal court, other than as provided by this section; nor shall they receive any compensation for serving on committees of the fiscal court. The fiscal court shall fix the amount to be received within the above limit, but no change of compensation except as provided in KRS 69.285, shall be effective as to any member of a fiscal court during his term of office.

(8) Circuit court clerks in counties other than those containing a population of 75,000 or more shall receive as compensation per year the maximum compensation allowed by law for circuit court clerks of this commonwealth, if fees or funds for this purpose are sufficient. The first and second deputies shall be allowed to receive a salary not to exceed $8400 per year; and other deputies shall be allowed to receive a salary not to exceed $6600 per year. Each circuit clerk shall be allowed to fix the amount of the salary of each of his deputy clerks.

Section 5. KRS 64.535 is amended to read as follows:

The county court clerk, circuit clerk, county judge, sheriff, county attorney, and jailer of each county shall receive an annual salary of *$14,300°* [$12,600], to be paid solely out of the statutory fees and salaries received by him during the calendar year.

Section 6. In order to equate the current rate of compensation of commonwealth's attorneys, circuit court clerks, county court clerks, county judges, county attorneys, sheriffs, jailers, magistrates and commissioners with the present value and purchasing power of the dollar, the court required by law to fix the compensation of the officials named in this section may, on or before September 1, 1974, adjust said officials' compensation within the limits set forth in this Act and may provide that said officials be entitled to the maximum amount of compensation for the entire 1974 calendar year.

The Committee Amendment to **SB 236** is as follows:

Amend printed copy of Senate Bill 236, page 9, line 10, on page 9, after line 10 by adding the following sections:

Section 7. KRS 43.070 is amended to read as follows:

(1) *To determine whether any unauthorized, illegal, irregular, or unsafe handling or expenditure of revenue or other improper practice of financial administration has occurred and to assure that all proper items have been duly charged, taxed, and reported, the auditor shall audit annually:*

(a) The funds contained in each county's budget; and

(b) The books, accounts, and papers of all county clerks, circuit clerks, county judges, county attorneys, sheriffs, jailers, coroners, constables, and justices of the peace exercising criminal jurisdiction; provided, however that the auditor shall not conduct such an audit if the elected official notifies the auditor that he has employed a certified public accountant to audit the books, accounts, and papers of his office. [The auditor shall, once in each year, examine the books, accounts and papers of all county officers receiving or disbursing county funds. The examination shall be made at the same time the auditor makes the examination for the benefit of the state, and the county shall bear one-half (1/2) of the actual expense of the examination.]

(2) *The county shall bear one-half (1/2) of the actual expense of the audit conducted pursuant to paragraph (a) of subsection (1) of this section and shall bear the total actual expense of the audit conducted pursuant to paragraph (b) of subsection (1) of this section.* [The county shall bear the actual expenses incurred by the auditor in examining the accounts of county officials to determine if the moneys received by said officials exceed their constitutional or statutory salary limitation.]

(3) Within a reasonable time after the completion and distribution of the audit report*s* authorized by subsection[s] (1) [and (2)] of this section, the auditor of public accounts shall bill the county for the [actual]

expenses incurred pursuant to subsection [(1) and] (2) of this section. A copy of this bill shall be forwarded to the commissioner of finance. If the amount billed has not been paid within ninety (90) days from date of billing, the auditor shall notify the commissioner of finance and the commissioner of revenue who shall cause said amount to be deducted from the next payment or return of moneys provided by KRS 47.110 and 431.110 by the state to the county or counties. Deductions shall continue until the total amount due the auditor's office has been paid. All moneys received pursuant to [subsections (1), (2) and (3) of] this section shall be credited to the trust and agency account of the auditor of public accounts.

(4) Any controversy over the amount of the bill for the actual expenses incurred shall be submitted to the commissioner of finance and the state treasurer for a decision as to the proper amount. In the event that these two (2) arbitrators fail to agree, then the controversy shall be submitted to the attorney general, whose decision shall be final.

Section 8. KRS 43.090 is amended to read as follows:

(1) Immediately upon completion of each audit and investigation, except those provided for in KRS 43.070, the auditor shall prepare a report of his findings and recommendations. He shall furnish one (1) copy of the report to the head of the agency to which the report pertains, one (1) copy to the governor, one (1) copy to the commissioner of finance, and one (1) copy to the state librarian. He shall prepare and transmit to each member of the general assembly, by December 15 immediately preceding the convening of each regular session of the general assembly, a printed report of his activities, summarizing the findings and recommendations in his report on each audit or investigation made since the last preceding biennial report to the general assembly, and presenting such other findings and recommendations as he sees fit to make. He shall file a copy of this report with the governor and five (5) copies with the state librarian. All audit reports shall be public documents to which taxpayers shall have access.

(2) The auditor shall, within a reasonable time after the examination of each county as provided in KRS 43.070, make a written report to the governor, *the general assembly, the attorney general, the County Officials' Compensation Board,* the state librarian and to the *fiscal court and county attorney* [county judge] of the county examined, calling attention in specific terms to any mismanagement, misconduct, misapplication or illegal appropriation or extravagant use of money received or disbursed by any officer of the county examined. *In addition, said report shall be sent to a newspaper having general circulation in the county examined and the letter of transmittal accompanying the report shall be published in said newspaper in accordance with the provisions of KRS Chapter 424.*

Section 9. A new section of KRS Chapter 64 is created to read as follows:

(1) Any county clerk, circuit clerk, county judge, county attorney, sheriff, jailer, coroner, constable, or justice of the peace exercising criminal jurisdiction shall have the right to employ a certified public accountant to audit the books, accounts, and papers of his office in lieu of the audit conducted by the state auditor of public accounts required by KRS 43.070.

(2) If said official elects to exercise the right prescribed in subsection (1), then he shall:

(a) In writing, notify the fiscal court of his county and the state auditor's office of the name of the certified public accountant employed by said official to audit the books, accounts, and papers of his office;

(b) Bear the cost of the audit from funds received or collected by him, and the cost of the audit shall be construed as an expense of his office;

(c) Within a reasonable time after the certified public accountant's examination, submit the accountant's written report to the governor, the general assembly, the attorney general, the County Officials' Compensation Board, the state librarian, the state auditor of public accounts, and the fiscal court and county attorney of his county. In addition, the official shall send the report to a newspaper having general circulation in the county of the official, and the letter of transmittal accompanying the report shall be published in said newspaper in accordance with the provisions of KRS Chapter 424.

(3) This section shall not be construed as eliminating the requirement that the books, accounts, and papers of the above named officials be audited yearly.

Section 10. A new section of KRS Chapter 64 is created to read as follows:

(1) The fiscal court shall collect any amount due the county from county officials as determined by the audit of the official conducted pursuant to KRS 43.070 and Section 9 of this Act if the amount can be collected without suit.

(2) In the event the fiscal court cannot collect the amount due the county from the county official without suit, the state auditor or certified public accountant shall report the facts and amount involved to the fiscal court of the county. The fiscal court shall then direct the county attorney to institute suit for the collection of the amount reported by the auditor or certified public accountant to be due the county within ninety (90) days from the date of receiving the auditor's or certified public accountant's report.

Section 11. KRS 68.210 is amended to read as follows:

The administration of the county uniform budget system shall be under the supervision of the department of finance, and the department may inspect and shall supervise the administration of accounts and financial operations and shall prescribe and *shall* [may] install, *by January 1975*, a system of uniform accounts for all counties and county officials. It may require all officials of all local governments and local taxing districts to submit such annual financial reports as it may deem proper. It may investigate, examine, and supervise the accounts and operations of all local governments and local government officers. This section does not impose upon or transfer to the department any post audit functions.

Section 12. A new section of KRS Chapter 64 is created to read as follows:

(1) An outgoing county official, as soon as his successor has been qualified and inducted into office and his official bond approved, shall immediately vacate his office, deliver to his successor all books, papers, records and other property held by virtue of his office, and make a complete settlement of his accounts as county official, except as otherwise provided in this section.

(2) Each outgoing county official shall make a final settlement with the fiscal court of his county by March 15 immediately following the expiration of his term of office for all money received by him as county official and to obtain his quietus, and immediately thereafter he shall deliver these records to the incumbent county official.

(3) The outgoing county official and his bondsmen or sureties shall be relieved in securing his quietus and in the final settlement of his accounts of all responsibility for collecting and accounting for the amounts covered by the receipt and the incoming county official shall be charged with full responsibility for collecting and accounting for these amounts as otherwise provided by law for the collection and accounting of taxes.

(4) The outgoing county official shall be allowed and paid by the fiscal court the reasonable expenses actually incurred in preparing the receipt required under this section. Reasonable expenses actually incurred may include his office expenses and salary, and salaries of deputies and employes paid in accordance with the schedule of the previous year or the amount paid an auditor necessary in determining and verifying the final settlement to the fiscal court.

Section 13. A new section of KRS Chapter 64 is created to read as follows:

Except for taxes collected on behalf of the state for which standard receipt forms had been supplied by the state prior to 1974, all county officials shall, upon the receipt of any fine, forfeiture, or fee, prepare a receipt in triplicate for the full amount paid to him in each case, giving the full name and address of the person paying the fine, forfeiture, or fee. One (1) copy of the receipt shall be given to the person paying the fine, forfeiture, or fee, one (1) copy shall be retained by the official for his own records, and the other copy shall be retained by the official to be filed either with the county treasurer, or in the case of the county clerk, sheriff, and jailer in counties having a population of 75,000 or more, with the department of finance.

Section 14. A new section of KRS Chapter 64 is created to read as follows:

It shall be unlawful for any county official to deposit public funds with individual or private funds in any bank or other depository or for any such official to withdraw public funds for any purpose other than that for which they were received and deposited.

Section 15. A new section of KRS Chapter 64 is created to read as follows:

Any official who violates the provisions of sections 10, 12, 13, or 14 of this Act shall be fined not less than $100 nor more than $500 and upon conviction shall be removed from office.

Section 16. A new section of KRS Chapter 64 is created to read as follows:

(1) The County Officials' Compensation Board is hereby created and shall consist of the Commissioner of Finance, the State-Local Finance Officer, the president of each of the state associations of circuit court clerks, county judges, county attorneys, magistrates and commissioners, sheriffs, jailers, and coroners, three members of the General Assembly appointed by the Legislative Research Commission, and two citizens of the Commonwealth appointed by the Governor. The legislative members shall be appointed for terms of two years, unless their legislative term expires prior to the expiration of their term on the Board, in which case a vacancy shall exist. Citizen members shall be appointed for terms of four years. The terms of the members representing the state associations shall be identical to the term of their office as president of the state association. Vacancies shall be filled for the unexpired portion of any term in the same manner as an original appointment. The Commissioner of Finance may, by written order filed with the chairman of the Board, designate a deputy or other representative in his department to serve in his stead and to perform his duties as a member of the Board in his absence. Such designation shall be deemed temporary and shall not affect the merit system or retirement rights of any person so designated.

(2) No salary or other compensation shall be allowed any member of the Board, but each member may be reimbursed for actual and necessary expenses incurred in the performance of his official duties.

(3) The Board shall select one of its members as chairman and another member as vice-chairman at its first regular meeting in each calendar year. The Commissioner of Finance shall be secretary of the Board and his office shall be responsible for administering the clerical functions of the Board.

(4) The Board shall hold regular meetings at least once every three months. Special meetings may be called by the chairman or by five members of the Board by delivery of a written notice to the office or residence of each member of the Board at least ten days in advance of the date of any special meeting. Eight members of the Board shall constitute a quorum at any meeting. The Board shall establish bylaws for the conduct of its meetings and shall keep an accurate record of all its proceedings.

(5) The Board may employ and compensate such personnel and consultants as may be necessary to effectuate the provisions of Section 3 of this Act.

Section 17. A new section of KRS Chapter 64 is created to read as follows:

(1) The Board may at any time submit to any county official a written questionnaire concerning the affairs of his office. Every official shall answer fully and completely all questions so propounded and shall return the questionnaire to the chairman within fourteen days.

(2) The Board shall submit a written report to the interim legislative committee having jurisdiction of matters relating to county government and county officials by October 1 of every odd-numbered year and to every regular session of the General Assembly containing recommendations concerning the compensation of county officials, including but not limited to the following items:

(a) Consolidation of the offices of sheriff and jailer in all counties or in certain classes of counties;

(b) Methods to improve the auditing and accounting systems of county officals;

(c) Means to classify counties or county officials;

(d) Based on a classification system, salary grades for county officials for each class;

(e) Guidelines for the expenditure of income of the offices of county officials;

(f) Increase, decrease, creation, or abolishment of any state-financed compensation fund or expense account for county officials;

(g) Establishment of a minimum salary for county officials and the amount thereof;

(h) Increase or decrease in the maximum salary allowed county officials and the amount thereof;

(i) Revision and clarification of fee schedules of county officials; and

(j) Retirement system and benefits for county officials.

The Committee on Judiciary reported **HB 245,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 245, AN ACT relating to contributory negligence.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 411 is created to read as follows:
(1) Contributory negligence shall not bar recovery in an action by any person or his legal representative to recover damages for negligence or gross negligence resulting in death or in injury to person or property, if such negligence was not as great as the negligence or gross negligence of the person against whom recovery is sought, but any damages allowed shall be diminished in the proportion to the amount of negligence attributable to the person recovering. As used in this act, "contributory negligence" includes "assumption of the risk".
(2) The court may, and when requested by any party shall, direct the jury to find separate special verdicts determining the total amount of damages suffered and the percentage of negligence attributable to each party; and the court shall then reduce the amount of the damages in proportion to the amount of negligence attributable to the person seeking recovery.

The Committee Substitute for **HB 245** is as follows:

HB 245, AN ACT relating to contributory negligence.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 411 is created to read as follows:
(1) Contributory negligence shall not bar recovery in an action by any person or his legal representative to recover damages for negligence resulting in death or in injury to person or property, if such negligence was not as great as the negligence or gross negligence of the person or persons against whom recovery is sought, but any damages allowed shall be diminished in proportion to the amount of negligence attributable to the person for whose injury, damage or death recovery is made. As used in this Act, "contributory negligence" includes "assumption of risk".
(2) In determining by what amount the damages shall be diminished in such a case, the negligence of each person for whom recovery is made shall be compared to the total negligence of all persons against whom recovery is sought. The combined total of the negligence of the person for whom recovery is made taken together with all of the negligence of all persons against whom recovery is sought shall equal one hundred percent.
(3) The court may, and when requested by any party shall, direct the jury to find separate special verdicts determining the total amount of damages suffered and the percentage of negligence attributable to each party; and the court shall then reduce the amount of the damages in proportion to the amount of negligence attributable to the person for whose injury damage or death recovery is made. If the proportion is equal to or greater than the negligence of the person or persons against whom recovery is sought the court will enter a judgment for the person or persons defending. The court shall make all such findings in the absence of a jury.

The Committee on State Government reported **HB 865** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 865, AN ACT relating to the issuance of revenue bonds by joint playground and recreation boards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 97.035 is amended to read as follows:

(1) If two (2) or more political subdivisions determine to jointly establish, maintain and conduct a park, [and] recreation system, *playgrounds and recreational centers,* the legislative bodies of such counties, cities or other districts involved may by ordinance, order or resolution approve a plan for the establishment of such joint project and for the creation of a joint board representative of the subdivisions involved, and possessed with all the powers and duties of KRS 97.010 to 97.050.

(2) Such board shall consist of not less than five (5) members. The plan shall provide for distribution of membership and all participating governmental units shall have representation thereon. The members of the board shall be appointed by the county judge, mayor of the city or governing body of the district, as the case may be, for terms of four (4) years to serve at the pleasure of the appointing authority. Vacancies shall be filled for unexpired terms by appointment of the authority appointing the member whose office is vacant. The terms of office of such members shall be staggered as provided by order or resolution of the political subdivisions concerned. Members of the board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(3) The board shall be a body corporate for all purposes, shall elect from its membership a chairman, secretary and treasurer. The treasurer shall execute a bond conditioned on the faithful performance of his duties sufficient in amount to cover funds coming into his hands. The premium on such bond shall be paid from board funds.

(4) Any park, playground or recreation system operated jointly by two (2) or more political subdivisions as provided in KRS 97.010 (2), on June 19, 1958, shall be governed by this section.

Section 2. KRS 97.055 is amended to read as follows:

(1) For the purpose of establishing or acquiring parks, playgrounds and recreation centers, and appurtenances thereto, a playground and recreation board or a board, as provided in KRS 97.030 or 97.035, shall have the same authority to issue revenue bonds granted to cities by KRS 97.150 to 97.240, *KRS 58.010 to 58.150, KRS 103.200 to 103.285* and all of the provisions of said section shall be applicable in the case of issuance of revenue bonds by such boards.

(2) Such revenue bonds or revenue bond anticipation notes may be issued for the purpose of financing such parks, playgrounds and recreational facilities located on property which is subject of a leasehold or permithold interest of the issuer of bonds. The bonds and the legislation authorizing them shall provide provisions to protect the leaseholder, permitholder and the bondholder.

The Committee on Agriculture and Natural Resources reported **HB 328** with Committee Amendment attached thereto, **SB 264, SB 298, SB 295, HB 370** with Committee Substitute attached thereto, and **HB 465** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 328, AN ACT relating to oil, gas, and salt water.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 353 is created to read as follows:

(1) Oil shall not be stored or retained in earthen reservoirs or open receptacles which are located in areas subject to flooding.

(2) Oil shall not be allowed to pollute surface or underground water, surface vegetation, or soil.

Section 2. A new section of KRS Chapter 353 is created to read as follows:

(1) Brine or salt water resulting from oil and gas drilling and producing operations shall be stored and disposed of in such manner as the department directs.

(2) No brine or salt water storage or disposal procedure shall be approved which may result in the pollution of surface or underground water, or which may affect surface vegetation or soil.

Section 3. A new section of KRS Chapter 353 is created to read as follows:

A person, owner, or operator of a drilling or producing well, refinery, and transportation agency, including truck transports, shall notify the department and the state fire marshal of oil or refined product losses which occur at an oil well, oil tank, pump station, refinery and other facility owned, operated or controlled by him; a tank struck by lightning; other oil or refined product losses which destroy oil, or create or may create fire or pollution hazards, breaks or leaks in a tank, pipeline or transportation facility from which oil escaped or is escaping; and a serious accident which has created or may create a fire or pollution hazard or cause damage to or destruction of life or property. Notification shall be made immediately by telephone or telegraph giving briefly the particulars, and by written report giving a more detailed account of events and conditions. A written report shall specify the location of the oil or refined product loss.

Section 4. A new section of KRS Chapter 353 is created to read as follows:

The department shall issue such regulations as are necessary to enforce the provisions of this Act.

Section 5. A new section of KRS Chapter 353 is created to read as follows:

Any person who violates any provision of this Act or the regulations issued thereunder shall be fined not less than $50 nor more than $500, each day of violation constituting a separate offense.

Section 6. A new section of KRS Chapter 353 is created to read as follows:

There is hereby appropriated out of the General Expenditure Fund to the credit of a revolving fund in the department titled the Oil Spill Emergency Clean-Up Fund the sum of $100,000 for the 1974-75 fiscal year. This fund shall be used by the department for the purpose of expeditiously cleaning up oil spills, the cost of which clean-up shall be reimbursed by the owner of the facility causing the oil spill.

The Committee Amendment to **HB 328** is as follows:

Amend printed copy of House Bill 328 page 1, line 1, delete "Chapter 353" and insert "Chapter 224"

line 8, page 1, delete "Chapter 353" and insert "Chapter 224"

page 3, delete Section 6. in its entirety

SB 264, AN ACT relating to regulations affecting agriculture.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 100.203 is amended to read as follows:

Cities and counties may exercise the power to zone through zoning regulations which shall contain:

(1) A text, which shall list the types of zones which may be used, and the regulations which may be imposed in each zone, which must be uniform throughout the zone. In addition, the text shall make provisions for the granting of dimensional variances, conditional use permits, and for nonconforming use of land and structures, and any other provisions which are necessary to implement the zoning regulation. The city or county may regulate:

(a) The activity on the land, including filling or excavation of land, and the removal of natural resources, and the use of watercourses, and other bodies of water, as well as land subject to flooding;

(b) The size, width, height, bulk, location of structures, buildings and signs;

(c) Minimum or maximum areas or percentages of areas, courts, yards, or other open spaces or bodies of water which are to be left unoccupied, and minimum distance requirements between buildings or other structures;

(d) Intensity of use and density of population floor area to ground area ratios, or other means;

(e) Districts of special interest to the proper development of the community, including, but not limited to, exclusive use districts, historical districts, planned business districts, planned industrial districts, renewal, rehabilitation, and conservation districts; planned neighborhood and group housing districts;

(f) Fringe areas of each district, by imposing requirements which will make it compatible with neighboring districts;

(g) The activities and structures on the land at or near major thoroughfares, their intersections, and interchanges, and transportation arteries, natural or artificial bodies of water, public buildings and public grounds, aircraft, helicopter, rocket and spacecraft facilities, places having unique interest or value, flood plain areas, and other places having a special character or use affecting or affected by their surroundings;

(2) The text may provide that the planning unit, as a condition to the granting of any zoning change, may require the submission of a development plan which, where agreed upon, shall be followed. As a further condition to the granting of a zoning change, the planning unit may require that substantial construction be initiated within a certain period of time of not less than one (1) year; Provided That such zoning change shall not revert to its original designation unless there has been a public hearing.

(3) A map, which shall show the boundaries of the area which is to be zoned, and the boundaries of each zone;

(4) Text provisions to the effect that land which is used solely for agricultural, farming, dairying, stock-raising, or similar purposes shall have no regulations imposed as to building permits, certificates of occupancy, height, yard, location or courts' requirements for agricultural buildings, *including and limited to one mobile home used as a dwelling* except that (a) setback lines may be required for the protection of existing and proposed streets and highways, and (b) that all buildings or structures in a designated floodway or flood plain or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated.

Section 2. A new section of KRS Chapter 100 is created to read as follows:

Nothing in Section 1 shall be deemed to abrogate laws, regulations and ordinances of cities and counties which relate to health, safety and sewage requirements.

SB 298, AN ACT relating to pesticides.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 217 is created to read as follows:

This Act may be cited as the "Kentucky Pesticide Control Act of 1974."

Section 2. A new section of KRS Chapter 217 is created to read as follows:

This Act shall be administered by the secretary of the Department for Natural Resources and Environmental Protection, hereinafter referred to as the "secretary."

Section 3. A new section of KRS Chapter 217 is created to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Active ingredient" means any ingredient which will prevent, destroy, repel, control or mitigate pests, or which will act as a plant regulator, defoliant or desiccant, or as a functioning agent in a spray adjuvant;

(2) "Adulterated" shall apply to any pesticide if its strength or purity falls below the professed standard or quality as expressed on its labeling or under which it is sold, or if any substance has been substituted wholly or in part for the pesticide, or if any valuable constituent of the pesticide has been wholly or in part abstracted;

(3) "Animal" means all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish;

(4) "Antidote" means the most practical immediate treatment in case of poisoning and includes first-aid treatment;

(5) "Board" means the Pesticide Advisory Board;

(6) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant, with or without causing abscission;

(7) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissue;

(8) "Device" means any instrument or contrivance other than a firearm which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life other than man and other bacteria, virus, or other micro-organisms on or in living man or other living animals; but not including equipment used for the application of pesticides when sold separately therefrom;

(9) "Distribute" means to offer for sale, hold for sale, sell, barter, ship, deliver for shipment, or receive and, having received, deliver or offer to deliver pesticides in this state;

(10) "Environment" includes water, air, land and all plants and man and other animals living therein and the interrelationships which exist among these;

(11) "EPA" means the United States Environmental Protection Agency;

(12) "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act as amended;

(13) "Fungi" means all non-chlorophyll bearing thallophytes; that is, all non-chlorophyll bearing plants of a lower order than mosses and liverworts, as for example, rusts, smuts, mildews, molds, yeasts, bacteria, and viruses, except those on or in living man or other living animals, and except those in or on processed food, beverages, or pharmaceuticals;

(14) "Highly toxic pesticide" means any pesticide determined to be highly toxic under the authority of Sec. 25 (c) (2) of FIFRA or by the secretary under this Act;

(15) "Imminent hazard" means a situation which exists when the continued use of a pesticide would likely result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the secretary of the United States Department of Interior under Public Law 91-135 of the United States Congress;

(16) "Inert ingredient" means an ingredient which is not an active ingredient;

(17) "Ingredient statement" means a statement of the name and percentage of each active ingredient together with the total percentage of the inert ingredients in the pesticide and, when the pesticide contains arsenic in any form, a statement of the percentage of total and water soluble arsenic, each stated as elemental arsenic;

(18) "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and wood lice, also nematodes and other invertebrates which are destructive, constitute a liability, and may be classed as pests;

(19) "Label" means the written printed, or graphic matter on, or attached to, the pesticide or device, or to any of its containers or wrappers;

(20) "Labeling" means the label and other written printed or graphic matter;

(a) On the pesticide or device, or any of its containers or wrappers;

(b) Accompanying the pesticide or device at any time or referring to it in any other media used to disseminate information to the public; and

(c) To which reference is made on the label or in the literature accompanying the pesticide or device, except when accurate non-misleading reference is made to current official publications of the United States Environmental Protection Agency, the Departments of Agriculture and Interior, the Department of Health, Education and Welfare, and other similar federal institutions, the College of Agriculture, University of Kentucky, Kentucky Agricultural Experiment Station, Department for Human Resources, Department for Natural Resources and Environmental Protection, or other agencies of this state or other states when such agencies are authorized by law to conduct research in the field of pesticides;

(21) "Land" means all land and water areas, including air space and all plants, animals, structures, buildings, contrivances, and machinery appurtenant thereto, or situated thereon, fixed or mobile, including any used for transportation;

(22) "Misbranded" means a pesticide is misbranded if;

(a) Its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

(b) It is an imitation of or is distributed under the name of another pesticide;

(c) The labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and, if complied with, together with any requirements imposed under Sec. 3 (d) of FIFRA are adequate to protect health and the environment;

(d) The labeling does not contain a statement of the use classification under which the product is registered by EPA;

(e) The label does not contain a warning or caution statement which may be necessary and if complied with, together with any requirements imposed under Sec. 3 (d) of FIFRA, is adequate to protect health and the environment;

(f) The label does not bear an ingredient statement on that part of the immediate container, and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of the purchase; provided; that the ingredient statement may appear prominently on another part of the container pursuant to Sec. 2 (q) 2(A) (i) (ii) of FIFRA if the size and form of the container makes it impractical to place it on that part of the retail package which is presented or displayed under customary conditions of purchase;

(g) Any word, statement, or other information required by this Act or FIFRA to appear on the label or labeling is not prominently placed thereon with such conspicuousness, as compared to other words, statements, designs, or graphic matter in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(h) The label does not bear the name, brand or trademark under which the pesticide is distributed;

(i) The label does not bear the net weight or measure of the content;

(j) The label does not bear the name and address of the manufacturer, registrant or person for whom manufactured; and

(k) The label does not bear the EPA registration number assigned to each establishment in which the product is produced and the EPA number assigned to the pesticide, if required by regulation under FIFRA;

(23) "Nematode" means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; may also be called nemas or eelworms;

(24) "Person" means any individual, partnership, association, or any organized group of persons whether incorporated or not;

(25) "Pest" means any insect, snail, slug, rodent, nematode, fungus, weed, and any other form of plant or animal life, or virus, bacteria, or other micro-organism, except viruses, bacteria, or other micro-organisms on or in living man or other living animals, which is normally considered to be a pest, or which the secretary may declare to be a pest;

(26) "Pesticide" means any substance or mixture of substances intended to prevent, destroy, control, repel, attract, or mitigate any pest; any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; and any substance or mixture of substances intended to be used as a spray adjuvant;

(27) "Plant regulator" means any substance or mixture of substances, intended through physiological actions, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of plants, but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments;

(28) "Protect health and the environment" means protection against any unreasonable adverse effects on the environment;

(29) "Registrant" means a person who has registered any pesticide pursuant to the provisions of this Act;

(30) "Restricted use pesticide" means any pesticide classified for restricted use by the administrator, EPA, or by regulation of the secretary;

(31) "Spray adjuvant" means any wetting agent, spreading agent, sticker, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent intended to be used with any other pesticide as an aid to the application or to the effect thereof, and which is in a package or container separate from that of the other pesticide with which it is to be used;

(32) "Unreasonable adverse effects on the environment" means any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide;

(33) "Weed" means any plant which grows where not wanted; and

(34) "Wildlife" means all living things that are neither human, domesticated, nor as defined in this Act, pests, including but not limited to mammals, birds and aquatic life.

Section 4. KRS 217.550 is amended to read as follows:

It shall be unlawful for any person to distribute[,sell, or offer for sale within the state or deliver for transportation or transport in intrastate commerce or between points] within this state [through any point outside this state any of] the following:

(1) Any *pesticide* [economic poison] which is not registered pursuant to the provisions of *this Act, and to the provisions of FIFRA;* [KRS 217.570,] or

(2) Any *pesticide* [economic poison] if any of the claims made for it or any of the directions for its use differ [in substance] from the representations made in connection with its registration, or if the composition of *a pesticide* [an economic poison] differs from its composition as represented in connection with its registration; Provided, *t*[T]hat in the discretion of the *secretary* [director], a change in the labeling or *formulation* [formula] of *a pesticide* [an economic poison] may be made, within a registration period, without requiring reregistration of the product *if the name is not changed and if the registration is amended to reflect such change and if such change will not violate any provisions of FIFRA*;

(3) [2] Any *pesticide* [economic poison], *unless it is in the* [except in the] registrant's or the manufacturer's unbroken immediate container, *and* [unless] there is affixed to *such* [the] container, and to the outside container or wrapper of the retail package, if there *is* [be] one[,] through which the required information on the immediate container cannot be clearly read, a label bearing:

(a) The *brand* name and address of the manufacturer, registrant or person for whom manufactured;

(b) The name, brand or trade-mark under which *the* [said] article is sold; [and]

(c) The net weight or measure of the content [subject, however to such reasonable variations as the director may permit]; *and*

(d) Any pesticide in containers which are unsafe due to damage.

(4)[(3)] Any *pesticide* [economic poison] which contains any substance or substances in quantities highly toxic to man, determined as provided in [KRS 217.580] *this Act*, unless the label [shall] bears, in addition to any other matter required by [KRS 217.540 to 217.640]*this Act*:

(a) The skull and crossbones;

(b) The word "poison" *in red prominently displayed* [prominently in red,] on a background of distinctly contrasting color; and

(c) A statement of *a practical treatment, first aid or otherwise, in case of poisoning by the pesticide* [an antidote for the economic poison];

(5)[(4)] The *pesticides* [economic poisons] commonly known as lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluosilicate, and barium fluosilicate unless they *are* [have been] distinctly colored or discolored as provided by regulations, [issued in accordance with KRS 217.540 to 217.640,] or any other white powder *pesticide* [economic poison] which the *secretary* [director], after investigation of and after public hearing on the necessity for such action for the protection of *human life and the environment* [the public health] and the feasibility of such coloration or discoloration, shall by regulation, require to be distinctly colored or discolored[;] unless it has been so colored or discolored; [Provided, That the director may exempt any economic poison, to the extent that it is intended for a particular use or uses, from the coloring or discoloring required or authorized by this subsection if he determines that such coloring or discoloring for such use or uses is not necessary for the protection of the public health;]

(6)[(5)] Any *pesticide* [economic poison] which is adulterated or misbranded, or any device which is misbranded.

Section 5. KRS 217.560 is amended to read as follows:

It shall be unlawful:

(1) For any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in *this Act* [KRS 217.540 to 217.640] or the [rules and] regulations *adopted* [promulgated] hereunder, or to add any substance to, or take any substance from *a pesticide* [an economic poison] in a manner that may defeat the purposes of *this Act or the regulations adopted hereunder* [KRS 217.540 to 217.640];

(2) For any person to use for his own advantage or to reveal, other than to the *secretary* [director], or *proper* officials or employes of the state or officials or employes of *EPA* [the United States department of agriculture], or other federal agencies, or to the courts in response to a subpoena, or to physicians, *or* [and] in emergencies to pharmacists and other qualified persons for use in the preparation of antidotes, in accordance with such directions as the *secretary* [director] may prescribe, any information relative to formulas of products *, or trade secrets or other confidential information obtained under authority of this Act* [acquired by authority of KRS 217.570];

(3) For any person to oppose or interfere in any way with the *secretary* [director] or his duly authorized agents in carrying out the duties imposed by *this Act or any regulations adopted hereunder;* [KRS 217.540 to 217.640.]

(4) For any person to handle, transport, store, display or distribute pesticides in such a manner as to endanger man and his environment, or to endanger food, feed, or any other products that may be transported, stored, displayed or distributed with such pesticides; and

(5) For any person to dispose of, discard, or store any pesticides or pesticide containers in such a manner as to cause injury to humans, vegetation, crops or livestock, wildlife, beneficial insects, or to pollute any water supply or waterway.

Section 6. KRS 217.570 is amended to read as follows:

(1) Every *pesticide* [economic poison which is] distributed[, sold or offered for sale] within *the* [this] state or delivered for transportation or transported in intrastate commerce or between points within the state through [any] point*s* outside *the* [this] state shall be registered with the *department;* [director. The director register and permit the sale of any such economic poison which has been duly registered without protest under the provisions of the federal insecticide, fungicide and rodenticide act, but products so registered shall be subject to the inspection fees provided for herein, and to all other provisions of KRS 217.540 to 217.640. All registration of products shall expire on the thirty-first day of December following date of issuance, unless such registration shall be renewed annually, in which event expiration date shall be extended for each year of renewal registration, or until otherwise terminated; Provided That:] *Provided, that registration is not required if a pesticide is shipped from one plant or warehouse to another plant or warehouse operated by the same person and used solely at such plant or warehouse as a constituent part to make a pesticide which is registered under the provisions of this Act; or if the pesticide is distributed under the provisions of an experimental use permit issued under the provisions of this Act or an experimental use permit issued by EPA. All registrations shall expire on the thirty-first day of December of the calendar year for which they were issued.*

[(a) Products which have the same formula, and are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same economic poison may be registered as a single economic poison; additional names and labels shall be added by supplement statements during the current period of registration;]

[(b) Within the discretion of the director, or his authorized representative, a change in the labeling or formulas of an economic poison may be made within the current period of registration, without requiring a reregistration of the product, provided the name of the item is not changed;]

(2) The *applicant for registration* [registrant] shall file with the *department* [director], a statement containing:

(a) The name and address of the *applicant* [registrant] and the name and address of the person whose name will appear on the label, if other than the *applicant's* [registrant];

(b) The name of the *pesticide and its EPA registration number* [economic poison];

(c) A complete copy of the labeling accompanying the *pesticide* [economic poison] and a statement of all claims made *or* [and] to be made for it including directions for use[;] and *a request that the pesticide be classified for non-restricted use, for restricted use, or for both as provided for in FIFRA. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the pesticide was registered or last re-registered; provided, that upon request a copy of all labels shall be furnished;*

(d) Other necessary information as specified by the director on the application for registration form;

(e)[(d) If requested by the director,] *The secretary may require* a full description of the tests made and results thereof upon which the claims are based[.] *on any pesticide not registered pursuant to Section 3 of FIFRA, or on any pesticide on which restrictions are being considered.* [In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the economic poison was registered or last reregistered;]

(3) The *applicant* [registrant] *desiring to register a pesticide* [, before selling or offering for sale any economic poison] in this state[,] shall *make application on* [register each brand or grade of such economic poison with the director upon] forms furnished by the*department* [director], and, for the purposes of defraying expenses connected with the enforcement of *this Act* [KRS 217.540 to 217.640], shall pay to the *department* [director] an annual inspection fee of [five dollars ($5.00)] *$20* for each and every brand or grade to be offered for sale in this state.[;] [Provided, however,That any registrant may register annually any number of brands after the payment of annual fees aggregating fifty dollars ($50.00).] There shall be issued to the registrant by the *secretary* [director] a license entitling the registrant to sell all duly registered brands in this state until the expiration of the license;

(4) The *secretary* [director], when[ever] he deems it necessary in the administration of *this Act* [KRS 217.540 to 217.640], may require the submission of the complete formula of any *pesticide including the active and inert ingredients;* [economic poison.] [If it appears to the director that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of KRS 217.540 to 217.640, he shall register the article;]

[(5) If it does not appear to the director that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of KRS 217.540 to 217.640, he shall notify the registrant of the manner in which the article, labeling, or other material required to be submitted fails to comply with KRS 217.540 to 217.640, so as to afford the registrant an opportunity to make the necessary corrections;]

[(6) If, upon receipt of such notice, the registrant insists that such corrections are not necessary and requests in writing that the article be registered, the commissioner shall register the article under protest, and such registration shall be accompanied by a warning in writing to the registrant of the apparent failure of the article to comply with the provisions of KRS 217.540 to 217.640;]

(5)[(7)] The *secretary* [director] is authorized and empowered to refuse to register, or to cancel the registration of, any brand of *pesticide* [economic poison] as herein provided, upon satisfactory proof that the registrant has been guilty of fraudulent and deceptive practices in evasions or attempted evasions of the provisions of *this Act* [KRS 217.540 to 217.640] or any rules and regulations promulgated thereunder; Provided, *that* [That] no registration shall be revoked or refused until the registrant shall have been given a hearing by the *department* [director];

(6) Registrants desiring to renew registrations shall file with the department an application for renewal prior to January 1. Any registration in effect on the 31st day of December and for which a renewal application has been made and the proper fee paid shall continue in full force and effect until such time as the department has notified the applicant that the registration has been renewed, or denied;

(7) If the renewal of a pesticide registration is not filed prior to January 15 of any year, or if a new product is sold or offered for sale prior to registration an additional fee of $10 shall be assessed and added to the original fee before the registration of that pesticide is renewed or a new registration is accepted; Provided, that such additional fee shall not apply if the applicant furnishes an affidavit certifying that he did not distribute such unregistered pesticides during the period of non-registration. The payment of such additional fee is not a bar to any prosecution for doing business without proper registry;

(8) Upon certification by the administrator of EPA to register pesticides pursuant to Section 24 (c) of FIFRA, the secretary may register such pesticides if he determines that:

(a) Its composition is such as to warrant the proposed claims for it;

(b) Its labeling and other material required to be submitted meet with the requirements of this Act;

(c) It will perform its intended function, and when used in accordance with widespread and commonly recognized practice, will not cause unreasonable adverse effects on the environment; and

(d) Provided that the registration is not disapproved by the administrator of EPA;

[(8) Notwithstanding any other provision of KRS 217.540 to 217.640, registration is not required in the case of an economic poison shipped from one plant within this state to another plant within this state operated by the same person.]

Section 7. A new section of KRS Chapter 217 is created to read as follows:

(1) Upon certification pursuant to Section 24 (c) of FIFRA by the administrator of EPA to register pesticides formulated to meet special local needs, the secretary shall consider the following for refusal to register, for cancellation, for suspension and for legal recourse for such pesticides:

(a) If it does not appear to the secretary that the pesticide is such as to warrant the proposed claims for it or if the pesticide and its labeling and other material required to be submitted do not comply with the provisions of this Act or regulations adopted thereunder, he shall notify the applicant of the manner in which the pesticide, labeling, or other material required to be submitted fails to comply with the provisions of this Act so as to afford the applicant an opportunity to make the necessary corrections. If, upon receipt of such notice, the applicant does not make the required changes, the secretary may refuse to register the pesticide.

(b) When the secretary determines that a pesticide or its labeling does not comply with the provisions of this Act or the regulations adopted thereunder, he may cancel the registration of a pesticide after a hearing.

(c) When the secretary determines that there is an imminent hazard, he may, on his own motion, suspend the registration of a pesticide without first holding a hearing but a hearing shall be held with the utmost possible expedition.

(d) Any person who will be adversely affected by such order in this Section may obtain judicial review thereof by filing in the Franklin Circuit Court, within 30 days after the entry of such order. A petition shall be forthwith transmitted by the clerk of the court to the secretary and thereupon the secretary shall file in the court the record of the proceedings on which he based his order. The court shall have jurisdiction to affirm or set aside the order complained of in whole or in part. The findings of the secretary with respect to questions of fact shall be sustained if supported by substantial evidence when considered on the record as a whole. Upon application, the court may remand the matter to the secretary to take further testimony if there are reasonable grounds for the failure to adduce such evidence in the prior hearing. The secretary may modify his findings and his order by reason of the additional evidence so taken and shall file the additional record and any modification of the findings or order with the clerk of the court.

(2) If the secretary determines that the federally registered pesticide with respect to the use of such pesticide within this state does not warrant the proposed claims for it, or if the pesticide and its labeling and other material required to be submitted do not comply with the provisions of FIFRA or the regulations adopted thereunder, he shall advise EPA of the manner in which the pesticide, labeling, or other material required to be submitted fail to comply with the provisions of FIFRA and suggest necessary corrections.

Section 8. A new section of KRS Chapter 217 is created to read as follows:

Upon authorization of the state by the administrator of EPA to issue experimental use permits, the secretary may:

(a) Issue an experimental use permit to any person applying for such permit if he determines that the applicant needs such permit in order to accumulate information to register a pesticide. Application for an experimental use permit may be filed at the time of, or before or after an application for registration is filed.

(b) Prescribe terms, conditions and period of time, for experimental use permit which shall be under the supervision of such person as may be designated on the permit.

(c) Revoke any experimental use permit at anytime, if he finds that its terms or conditions are being violated, or that its terms and conditions are inadequate to avoid unreasonable adverse effect on the environment.

Section 9. KRS 217.580 is amended to read as follows:

(1) The *secretary* [director] is authorized, after *due notice and an* opportunity for a hearing:

(a) To declare as a pest any form of plant or [invertebrate] animal life or virus *, except virus, bacteria, or other micro-organisms on or in living man or other living animals,* which is injurious to plants, animals, *or the environment* [articles or substances];

(b) To determine whether *pesticides registered under the authority of Section 24 (c) of FIFRA* [economic poisons] are highly toxic to man[;]. *The definition of highly toxic, as defined in title 40, code of federal regulations 162.8 as issued or hereafter amended, shall govern the secretary in this determination;*

(c) To determine standards of coloring or discoloring for *pesticides* [economic poisons] and to subject *pesticides* [economic poisons] to the requirements for coloration or discoloration *if he determines such requirements are necessary for the protection of health and the environment* [imposed by KRS 217.540 to 217.640];

(d) To determine pesticides, and quantities of substances contained in pesticides, which are injurious to the environment. The secretary shall be guided by EPA regulations in this determination.

(2) The *secretary* [director] is further authorized:

(a) To effect the collection and examination of samples of *pesticides* [economic poisons] and devices to determine compliance with the requirements of *this Act,* [KRS 217.540 to 217.640;] and he shall have the authority at all reasonable hours to enter into any car, warehouse, store, building, boat, vessel or *other* place supposed to contain *pesticides* [economic poisons] or devices[,] for the purpose of inspection or sampling[,] and to procure samples for analysis or examination from any lot, package or parcel of *pesticides* [economic poisons,] or [any] device;

(b) To publish from time to time, in such form[s] as he may deem proper, reports of the results of the analyses *of* [based on] official samples of *pesticides* [economic poisons] *distributed* [sold] within the state;

(c) After *a* [due] public hearing, to make[, promulgate, alter, change, rescind such rules and] *appropriate* regulations relating to the sale and distribution of *pesticides* [economic poisons] as he may find necessary *for carrying out the meaning of this Act, but not limited to:* [to carry into effect the full intent and meaning of KRS 217.540 to 217.640;]

(1) The safe handling, transportation, storage, display, distribution and disposal of pesticides and their containers;

(2) Labeling requirements of all pesticides required to be registered under this Act; Provided, that such regulations shall not impose any requirements for federally registered labels in addition to or different from those required pursuant to FIFRA; and

(3) Specify classes of devices which shall be subject to the provisions of this Act.

(d) To cooperate with, and enter into agreements with, any other agency of this state, the *United States Environmental Protection Agency* [United States department of agriculture], and any other state or agency thereof for the purpose of carrying out the provisions of *this Act* [KRS 217.540 to 217.640 and securing uniformity of regulations].

(3) For the purpose of uniformity of requirements between states and the federal government the secretary may, after a public hearing, and with the approval of the Environmental Quality Commission pursuant to KRS 224.045 (6) (b), adopt regulations in conformity with the primary pesticide standards, particularly as to the labeling, registration requirements and "restricted use pesticides" as established by EPA or other federal or state agencies.

Section 10. KRS 217.600 is amended to read as follows:

The penalties provided for violations of *this Act* [KRS 217.550] shall not apply to:

(1) Any carrier[,] while lawfully engaged in transporting *a pesticide* [an economic poison] within this state, if such carrier shall, upon request, permit the *secretary* [director] or his designated agent to copy all records showing the transactions in and movements of the *pesticides or devices* [articles];

(2) Public officials of this state and of the federal government *while* engaged in the performance of their official duties *in administering state or federal laws or regulations, or while engaged in pesticide research;*

(3) The manufacturer or shipper of *a pesticide* [an economic poison] for experimental use only[:] *by or under the supervision of an agency of this state or of the federal government authorized by law to conduct research in the field of pesticides; Provided, that such manufacturer or shipper hold a valid experimental permit as provided for in this Act or by EPA.*

[(a) By or under the supervision of an agency of this state or of the federal government authorized by law to conduct research in the field of economic poisons; or]

[(b) By others if the economic poison is not sold and if the container thereof is plainly and conspicuously marked "For experimental use only--Not to be sold," together with the manufacturer's name and address; Provided, however, That if a written permit has been obtained from the director, economic poisons may be sold for experimental purposes subject to such restrictions and conditions as may be set forth in the permit;]

(4) Any person who ships a substance or mixture of substances being put through tests in which the purpose is only to determine its value for pesticide purposes or to determine its toxicity or other properties and from which the user does not expect to receive any benefit in pest control from its use.

[(4) Any preparation, drug or chemical intended to be used or sold solely for medicinal use or for toilet purposes.]

Section 11. KRS 217.610 is amended to read as follows:

It shall be the duty of the *secretary* [director] to issue and enforce a written or printed "stop sale, use or removal" order to the owner or custodian of any lot of *pesticide* [economic poison] and to hold *it* at a designated place when the *secretary* [director] finds said *pesticide* [economic poison] is being offered or exposed for sale in violation of [any of] the provisions of *this Act* [KRS 217.540 to 217.640] until the law has been complied with and said *pesticide* [economic poison] is released in writing by the *secretary* [director] or said violation has been otherwise legally disposed of by written authority; Provided, *t*[T]hat the owner or custodian of such *pesticide* [economic poison] shall have the right to appeal from such order to a court of

competent jurisdiction in the county where the said *pesticide or pesticides* [economic poison or poisons] are found, praying for a judgment as to the justification of said order, and for the discharge of such *pesticide* [economic poison] from the order prohibiting the sale in accordance with the findings of the court; and, Provided further, *t*[T]hat the provisions of this paragraph shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other provisions of *this Act* [KRS 217.540 to 217.640]. The *secretary* [director] shall release the *pesticide* [economic poison] so withdrawn when the requirements of the provisions of *this Act* [KRS 217.540 to 217.640] have been complied with and upon payment of all costs and expenses incurred in connection with the withdrawal.

Section 12. KRS 217.620 is amended to read as follows:

Any lot of *pesticide* [economic poison] not in compliance with the provisions of *this Act* [KRS 217.540 to 217.640] shall be subject to seizure on complaint of the *secretary* [director] to a court of competent jurisdiction in the county in which said *pesticide* [economic poison] is located. In the event the court finds the said *pesticide* [economic poison] to be in violation of [KRS 217.540 to 217.640] and orders the condemnation of said *pesticide* [economic poison,] it shall be disposed of in any manner consistent with the quality of the *pesticide* [economic poison] and the laws of the state; Provided, *t*[T]hat in no instance shall the disposition of said *pesticide* [economic poison] be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said *pesticide* [economic poison] for permission to *reprocess* [process] or relabel said product to bring it into compliance with *this Act* [KRS 217.540 to 217.640].

Section 13. A new section of KRS Chapter 217 is created to read as follows:

The Environmental Quality Commission may appoint a Pesticide Advisory Board, with the approval of the secretary, to advise in the promulgation of regulations and the administration of this chapter.

Section 14. KRS 217.630 is amended to read as follows:

All authority vested in the *secretary* [director] by virtue of the provisions of *this Act* [KRS 217.540 to 217.640] may, with like force and effect, be executed by such employes of the *Department for Natural Resources and Environmental Protection* [Kentucky agricultural experiment station] as the *secretary* [director] may from time to time designate for said purpose.

Section 15. A new section of KRS Chapter 217 is created to read as follows:

(1) Any person who violates any of the provisions of this Act or who fails to perform any duties imposed by those sections, or who violates any determination or order of the department promulgated pursuant thereto, shall be liable to a civil penalty of not to exceed the sum of one thousand dollars ($1,000) for said violation, and an additional civil penalty of not to exceed one thousand dollars ($1,000) for each day during which such violation continues, and in addition, may be enjoined from continuing such violations as hereinafter provided in this Section. Such penalties shall be recoverable in an action brought in the name of the commonwealth of Kentucky by the attorney general.

(2) It shall be the duty of the attorney general, upon the request of the department, to bring an action for the recovery of the penalties herinabove provided for, and to bring an action for an injunction against any person violating or threatening to violate any provision of this Act, or violating or threatening to violate any order or determination of the department promulgated pursuant thereto. In any such action any finding of the department shall be prima facie evidence of the fact or facts found therein.

(3) Any person who shall wilfully violate any of the provisions of this Act or any determination or order of the department promulgated pursuant to those sections which have become final shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or by imprisonment for a term of not more than one (1) year, or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

Section 16. KRS 217.540, 217.556, 217.558, and 217.590 are repealed.

SB 295, AN ACT relating to pesticides.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 217B.020 is amended to read as follows:

This chapter shall be administered by the *Department for Natural Resources and Environmental Protection* [director of the Kentucky Agricultural Experiment Station], hereinafter referred to as the *department* ["Director"].

Section 2. KRS 217B.030 is amended to read as follows:

The purpose of this chapter is to regulate in the public interest, the use and application of insecticides, fungicides, herbicides, defoliants, desiccants, plant growth regulators, nematocides, rodenticides, and any

other pesticides designated by the *department* [Director] by regulation.

Section 3. KRS 217B.040 is amended to read as follows:

For the purposes of this chapter, unless the context requires otherwise:

(1) "Pest" means;

(a) Any insect, snail, slug, rodent, nematode, fungus, weed; and

(b) Any other form of plant or animal life, or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) which is normally considered to be a pest, or which the department declares to be a pest.

[(1) "Pest" means, but is not limited to, any insect, fungus, rodent, nematode, snail, slug, weed, and any form of plant or animal life or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the director be a pest.]

(2) "Pesticide" means;

(a) Any substance or mixture of substances intended to prevent, destroy, control, repell, attract or mitigate any pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; and

(c) Any substance or mixture of substances intended to be used as a spray adjuvant.

[(2) "Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances, including any living organism or any product derived therefrom, intended to prevent, destroy, control, repel, attract, or mitigate any insect, rodent, nematode, snail, slug, fungus, weed, and any other form of plant or animal life or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the director may declare to be a pest; and

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and

(c) Any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to the application or effect thereof, whether or not distributed in a package or container separate from that of the pesticide with which it is to be used; and

(d) Any other substances intended for such use as may be named by the Director by regulation after calling a public hearing for such purpose.]

[(3) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, attract, or mitigate any insects which may be present in any environment whatsoever.

(4) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any fungi.

(5) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed.]

(3) [(6)] "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(4) [(7)] "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(5) [(8)] "Plant regulator" means any substance or mixture of substances intended through physiological action [,] to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of plants but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant innoculants or soil amendments.

[(9) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, attract, or mitigate rodents or any other vertebrate animal which the director may declare to be a pest.

(10) "Nematocide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.]

(6) [(11)] "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as for example beetles, bugs, bees, wasps, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six (6) legs, as for example spiders, mites, ticks, centipedes, and wood lice, also nematodes and other worms, and any other invertebrates which are destructive, constitute a liability, and may be classed as pests.

(7) [(12)] "Fungi" means all noncholorphyllbearing thallophytes (that is, all noncholorphyll-bearing plants of a lower order than mosses and liverworts) as for example, rusts, smuts, mildews, molds, yeasts, bacteria and viruses, except those on or in living man or other *living* animals[.] *,and except those in or on processed food, beverages, or pharmaceuticals.*

(8) [(13)] "Weed" means any plant [or part thereof] which grows where not wanted.

(9) [(14)] "Nematode" means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle,

and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms.

(10) [(15)] "Snails or slugs" include all harmful mollusks.

(11) "Person" means any individual, partnership, association, or any organized group of persons whether incorporated or not.

[(16) "Person" means any individual, firm, partnership, association, corporation, company, joint stock association, body politic, or any organized group of persons whether incorporated or not; and includes any trustee, receiver, assignee, or other similar representative thereof.]

(12) [(17)] "Equipment" means any type of ground, water or aerial equipment, device, or contrivance using motorized, mechanical or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating or stored on or in such land, but shall not include any pressurized hand-sized household device used to apply any pesticide.

(13) "Restricted use pesticide" means any pesticide classified for restricted use by the administrator, EPA, or by regulation of the department.

[(18) "Restricted use pesticide" means any pesticide, including any highly toxic pesticide, which the director has found and determined, subsequent to a hearing, to be injurious to persons, pollinating insects, bees, animals, crops, or lands, other than the pests it is intended to prevent, destroy, control, or mitigate.]

(14) [(19)] "Engage in business" means any application of pesticide by any person upon lands of another.

(15) [(20)] "Land" means all land and water areas, including airspace, and all plants, animals, structures, building, devices and contrivances and machinery appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

(16) [(21)] "Pesticide applicator" means any person who owns or manages a pesticide application business which is engaged in the business of applying pesticides upon the lands of another.

(17) [(22)] "Pesticide operator" means any person employed by a pesticide applicator who operates equipment for the application of pesticides or applies pesticides manually. This term does not include employes who work only under direct "on-the-job" supervision of a licensed pesticide applicator or licensed pesticide operator.

(18) [(23)] "Pest control consultant" means any person who, for a fee, offers or supplies technical advice, supervision, aid, or recommends the use of specific pesticides for the purpose of controlling insect pests, plant diseases, weeds, and other pests.

(19) [24] "Public operator" means any person in charge of any equipment used by municipal corporations, public utilities, or other governmental agencies applying pesticides.

(20) [(25)] "Wildlife" means all living things that are neither human, domesticated, nor, as defined in this chapter, pests; including, but not limited to mammals, birds and aquatic life.

(21) "Distribute" means to offer for sale, hold for sale, sell, barter, ship, deliver for shipment, or receive, and, having received, deliver or offer to deliver any pesticides in this state excepting internal distribution within a company or organization.

(22) "EPA" means the United States Environmental Protection Agency.

(23) "Label" means the written printed, or graphic matter on, or attached to, the pesticide or device or to any of its containers or wrappers.

(24) "Restricted use pesticide dealer" means any person who distributes restricted use pesticides except manufacturers of restricted use pesticides who distribute their products solely to "restricted use pesticide dealers."

(25) "Spray adjuvant" means any wetting agent, spreading agent, sticker, deposit builder, adhesive, emulsifying agent, defloculating agent, water modifier, or similar agent intended to be used with any other pesticide as an aid to the application or to the effect thereof, and which is in a package or container separate from that of the other pesticide with which it is to be used.

Section 4. KRS 217B.050 is amended to read as follows:

(1) The *department* [director] shall administer and enforce the provisions of this chapter and shall have authority to issue regulations after a public hearing, *conducted pursuant to KRS 224.045,* [following due notice to all interested persons] to carry out the provisions of this chapter and in such regulations may prescribe methods to be used in the application of pesticides. Where the *department* [director] finds that such regulations are necessary to carry out the purpose and intent of this chapter, such regulations may relate to the time, place, manner, and method of application of the pesticides, may restrict or prohibit use of pesticides in designated areas during specified periods of time and shall encompass all reasonable factors which the *department* [director] deems necessary to prevent damage or injury by drift or misapplication to:

(a) Plants, including forage plants, on adjacent or nearby lands;

(b) Wildlife in the adjoining or nearby areas;

(c) Fish and other aquatic life in waters in reasonable proximity to the area to be treated;

(d) Pollinating insects, animals, or persons.

(2) In issuing such regulations, the *department* [director] shall give consideration to pertinent research findings and recommendations of other agencies of this state and/or of the federal government.

(3) The *department* [director] may by regulation adopt a list of "restricted use pesticides" for the state or for designated areas within the state if *it* [he] finds that the characteristics of such pesticides require restricting their use to prevent injury on lands other than the land to which they are applied or to persons, animals, crops, pests or vegetation other than the pests or vegetation which they are intended to destroy. *For the purpose of uniformity of requirements between the states and the federal government, the department may adopt the list of "restricted use pesticides" as established by the Environmental Protection Agency or other federal or state agencies.*

(4) The department may establish additional classifications of applicator licenses as required for conformance with the Federal Environmental Pesticide Control Act of 1972. Such classifications may include private farmer applicators, commercial establishment applicators and government employe applicators not specifically mentioned in this chapter. Such regulations may specify licensing conditions, procedures and fees not to exceed those fees specified for other licensees under this chapter.

Section 5. KRS 217B.060 is amended to read as follows:

The *department* [Director] may classify licenses to be issued under this chapter. Such classifications may include but not be limited to ornamental or agricultural pesticide applicators, or right of way pesticide applicators. Separate classifications may be specified as to ground, aerial, or manual methods used by any licensee to apply pesticides. Each classification shall be subject to separate testing procedures and requirements. No person shall be required to pay an additional license fee if such person desires to be licensed in one or all of the license classifications provided for by the *department* [Director] under the authority of this section.

Section 6. KRS 217B.070 is amended to read as follows:

(1) No person shall engage in the business of applying pesticides to the lands of another within this state at any time without a pesticide applicator's license issued by the *department* [director]. The *department* [director] shall require an annual fee of $25.00 for each pesticide applicator's license issued and, in addition, an inspection fee of *$10.00* [$25.00] for each aircraft to be licensed and $10.00 for each piece of ground equipment to be licensed. Should any equipment fail to pass inspection under KRS 217B.160, making it necessary for a second inspection to be made, the *department* [director] shall require an added inspection fee of $5.00. In addition to the required inspection, unannounced inspections may be made without charge to determine if equipment is properly calibrated and maintained in conformance with laws and regulations.

(2) Application for a license shall be made in writing to the *department* [director] on a designated form obtained from the *department* [director's office]. Each application for a license shall contain information regarding the applicant's qualifications and proposed operations, license classification or classifications the applicant is applying for, and shall include the following:

(a) The full name of the person applying for the license;

(b) If the applicant is an individual, receiver, trustee, firm, partnership, association, corporation, or other organized group of persons whether or not incorporated, the full name of each member of the firm or partnership, or the names of the officers of the association, corporation, or group;

(c) The principal business address of the applicant in the state and elsewhere;

(d) The name and address of a person, who may be the secretary of state, whose domicile is in the state, and who is authorized to receive and accept services of summons and legal notice of all kinds for the applicant;

(e) The model, make, horsepower, and size of any equipment used by the applicant to apply pesticides;

(f) Any other necessary information prescribed by the director.

(3) The *department* [director] shall require an applicant for a license to show upon examination that he possesses adequate knowledge concerning the proper use and application of pesticides in the classifications he has applied for, manually or with the various equipment that he may have applied for a license to operate. The examination shall require a working knowledge of:

(a) The proper use of the equipment.

(b) The hazards that may be involved in applying pesticides, including:

1. The effect of drift of the pesticides on adjacent and nearby lands and other nontarget organisms:

2. The proper meteorological conditions for the application of pesticides and the precautions to be taken therewith;

3. The effect of the pesticides on plants or animals in the area, including the possibility of damage to plants or animals or the possibility of illegal pesticide residues resulting on them;

4. The effect of the application of pesticides to wild life in the area, including aquatic life;

5. The identity and classification of pesticides used and the effects of their application in particular circumstances;

6. The likelihood of contamination of water or injury to persons, plants, livestock, pollinating insects, and vegetation.

(c) Calculating the concentration of pesticides to be used in particular circumstances.

(d) Identification of pests to be controlled by common name only and the damages caused by such pests.

(e) Protective clothing and respiratory equipment required during the handling and application of pesticides.

(f) General precautions to be followed in the disposal of containers as well as the cleaning and decontamination of the equipment which the applicant proposes to use.

(g) Applicable state and federal pesticide laws and regulations.

(4) If the *department* [director] finds the applicant qualified to apply pesticides in the classifications he has applied for and, if the applicant files the bond or insurance required under KRS 217B.130, and if the applicant applying for a license to engage in aerial application of pesticides has met all of the requirements of the federal aviation agency and the aeronautics commission of this state to operate the equipment described in the application, the *department* [director] shall issue a pesticide applicator license limited to the classifications for which he is qualified, which shall expire at the end of the calendar year of issue unless it has been revoked or suspended prior thereto by the *department* [director] for cause or the financial security required under KRS 217B.130 is not dated to expire at an earlier date, in which case said license shall be dated to expire upon expiration date of said financial security.

Section 7. KRS 217B.080 is amended to read as follows:

It shall be unlawful for any person to act as an employe of a pesticide applicator and apply pesticides manually or as the operator directly in charge of any equipment which is licensed or should be licensed under the provisions of this chapter for the application of any pesticide, without having obtained an operator's license from the *department* [director]. Such an operator's license shall be in addition to any other license or permit required by law for the operation or use of any such equipment. Any person applying for such an operator's license shall file an application on a form prescribed by the *department* [director] on or before January 1 of each year. Application for a license to apply pesticides shall be accompanied by a license fee of $10. The provisions of this section shall not apply to any individual who has passed the examination provided for in subsection (3) of KRS 217B.070, and is a licensed pesticide applicator. If the *department* [director] finds the applicant qualified to apply pesticides in the classifications he has applied for after examinations as provided for in subsection (3) of KRS 217B.070, and if the applicant applying for a license to engage in aerial applications of pesticides has met all of the requirements of the Federal Aviation Agency and the Aeronautics Commission of this state to operate the equipment described in the application, the *department* [director] shall issue a pesticide operator license limited to the classifications for which he is qualified which shall expire at the end of the calendar year of issue unless it has been revoked or suspended prior thereto by the *department* [director] for cause as provided for in KRS 217B.120.

Section 8. KRS 217B.090 is amended to read as follows:

Municipal corporations, and public utilities, or any other governmental agency except state agencies shall be subject to the provisions of this chapter and rules adopted thereunder; the public operator in charge of any equipment used by any municipal corporations, public utilities, or any governmental agencies, shall be subject to the provisions of subsection (3) of KRS 217B.070 and KRS 217B.080, and the *department* [director] shall issue a limited license without a fee to such public operators which shall be valid only when such public operators are acting as operators on equipment used by such entities. Government research personnel shall be exempt from this licensing requirement when applying pesticides to experimental plots. Such agencies, municipal corporations, and public utilities, shall be subject to legal recourse by any person damaged by such application of any pesticide, and such action may be brought in the county where the damage or some part thereof occurred.

Section 9. KRS 217B.100 is amended to read as follows:

(1) No person shall perform services as a pest control consultant without first procuring from the *department* [director] a license in the classifications he has applied for under KRS 217B.060. Application for a license shall be on a form prescribed by the *department* [director] and shall include the applicable information stipulated in subsection (2) of KRS 217B.070. The application for a license shall be accompanied by an annual fee of $50.

(2) Each applicant for a pest control consultant's license shall be required to present to the *department* [director] satisfactory evidence of training and experience providing a basic background to understand pest control principles. Such applicant shall be required to pass satisfactorily a written examination to be prescribed by the *department* [director] or his representative to demonstrate the applicant's specific knowledge under subsection (3) of KRS 217B.070.

Section 10. KRS 217B.110 is amended to read as follows:

If the application for renewal of any license provided for in this chapter is not filed prior to *March* [January] 1 in any year, a penalty of twentyfive percent (25%) shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued; that such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not engaged in the business subsequent to the

expiration of his license. Any person holding a current valid license may renew such license for the next year without taking another examination unless the *department* [director] determines that new knowledge related to classifications for which the applicant has applied makes a new examination necessary. However, if the license is not renewed by *June* [March] 1 of each year then such licensee shall again be required to take another examination.

Section 11. KRS 217B.120 is amended to read as follows:

The *department* [director] may suspend, pending inquiry, for not longer than ten (10) days, and, after opportunity for a hearing, may deny, suspend, revoke, or modify the provision of any *applicator's, operator's or consultant's* license issued under this chapter,if *it* [he] finds that the applicant or licensee has committed any of the following acts, each of which is declared to be a violation of this chapter:

(1) Made false or fraudulent claims through any media, misrepresenting the effect of materials or methods to be utilized;

(2) Made a pesticide recommendation or application not in accordance with the label registered by the *department* [director] under KRS 217.540 to 217.640;

(3) Applied known ineffective or improper materials;

(4) Operated faulty or unsafe equipment;

(5) Operated in a faulty, careless, or negligent manner;

(6) Refused or, after notice, neglected to comply with the provisions of this chapter, the rules adopted hereunder, or of any lawful order of the *department* [director];

(7) Refused or neglected to keep and maintain the records required by this chapter, or to make reports when and as required;

(8) Made false or fraudulent records, invoices, or reports;

(9) Engaged in the business of the application of a pesticide without having a licensed applicator or operator in direct "on-the-job" supervision;

(10) Operated unlicensed equipment:

(11) Used fraud or misrepresentation in making an application for a license or renewal of a license;

(12) Refused or neglected to comply with any limitations or restrictions on or in a duly issued license or permit;

(13) Aided or abetted a licensed or an unlicensed person to evade the provisions of this chapter, combined or conspired with such a licensed or an unlicensed person to evade the provisions of this chapter; or allowed one's license to be used by an unlicensed person;

(14) Made false or misleading statements during or after an inspection concerning any infestation or infection of pests found on land; or

(15) Impersonated any state, county, or city inspector or official.

Section 12. KRS 217B.130 is amended to read as follows:

(1) The *department* [director] shall not issue a pesticide applicator's license until the applicant has furnished evidence of financial responsibility with the *department* [director] consisting either of a surety bond or a liability insurance policy or certification thereof[,] protecting persons who may suffer legal damages as a result of the operations of the applicant[.] *;provided, that such surety bond or liability insurance policy need not apply to damages or injury to agricultural crops, plants, or land being worked upon by the applicator.*

(2) The amount of the surety bond or liability insurance as provided for in this section shall be not less than $100,000 for *public liability and not less than $25,000 for property damage,* [property damage and public liability insurance, each separately, and] including loss or damage arising out of the actual use of any pesticide. Such surety bond or liability insurance shall be maintained at not less than *those amounts* [that sum] at all times during the licensed period. The *department* [director] shall be notified ten (10) days prior to any reduction at the request of the applicant or cancellation of such surety bond or liability insurance by the surety or insurer. The total and aggregate of the surety and insurer for all claims shall be limited to the face of the bond or liability insurance policy. The *department* [director] may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding $1,000 for all applicators for the total amount of liability insurance or surety bond required herein. If the applicant has not satisfied the requirements of the deductible amount in any prior legal claim, such deductible clause shall not be accepted by the *department* [director] unless such applicant furnishes the *department* [director] with a security bond or liability insurance which shall satisfy the amount of the deductible as to all claims that may arise in his application of pesticides.

(3) Should the surety furnished become unsatisfactory, said applicant shall upon notice execute a new bond or insurance and shall he fail to do so, the *department* [director] shall cancel his license and it shall be unlawful thereafter for such person to engage in said business of applying pesticides until the bond or insurance is brought into compliance with the requirements of subsection (2) of this section and his license is reinstated by the *department* [director].

(4) Nothing in this chapter shall be construed to relieve any person from liability for any damage to the person or lands of another caused by the use of pesticides even though such use conforms to the rules and

regulations of the *department* [director].

Section 13. KRS 217B.140 is amended to read as follows:

(1) The person claiming damages from pesticide application shall have filed with the *department* [director] a written statement claiming that he has been damaged, on a form prescribed by the *department* [director] within sixty (60) days after the date that damages occurred, or prior to the time that twenty-five (25) percent of a crop damaged shall have been harvested. Such statement shall contain, but shall not be limited thereto, the name of the person responsible for the application of said pesticide, the name of the owner or lessee of the land on which the crop is grown and for which damages are claimed and the date on which it is alleged that the damage occurred. The *department* [director] shall prepare a form to be furnished to persons to be used in such cases and such form shall contain such other requirements as the *department* [director] may deem proper. The *department* [director] shall, upon receipt of such statement, notify the licensee and the owner or lessee of the land or other person who may be charged with the responsibility, for the damages claimed, and furnish copies of such statements as may be requested.

(2) The filing of such report or the failure to file such a report need not be alleged in any complaint which might be filed in a court of law, and the failure to file the report shall not be considered any bar to the maintenance of any criminal or civil action. The failure to file such a report shall not be a violation of this chapter. However, if the person failing to file such report is the only one injured from such use or application of a pesticide by others, the *department* [director] may, when in the public interest, refuse to hold a hearing for the denial, suspension, or revocation of a license or permit issued under this chapter until such report is filed.

(3) When damage is alleged to have been done, the claimant shall permit the licensee and his representatives, such as bondsman or insurer to observe within reasonable hours the lands or non-target organism alleged to have been damaged in order that such damage may be examined. Failure of the claimant to permit such observation and examination of the damaged lands shall automatically bar the claim against the licensee.

Section 14. KRS 217B.150 is amended to read as follows:

The *department* [director] shall require licensees to maintain records with respect to applications of pesticides. Such relevant information as the *department* [director] may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the *department* [director] shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

Section 15. KRS 217B.160 is amended to read as follows:

The *department* [director] may provide for inspection of any equipment used for application of pesticides and may require repairs or other changes before its further use for pesticide application. A list of requirements that equipment shall meet may be adopted by regulation.

Section 16. KRS 217B.170 is amended to read as follows:

All licensed equipment shall be identified by a license plate or decal furnished by the *department* [director], at no cost to the licensee, which plate shall be affixed in a location and manner upon such equipment as prescribed by the *department* [director].

Section 17. KRS 217B.180 is amended to read as follows:

(1) The provisions of this chapter relating to licenses and requirements for their issuance shall not apply to any farmer owner of ground equipment applying *non-restricted use* pesticides for himself or his farmer neighbors; Provided, *that* [That]:

(a) He operates farm property and operates and maintains pesticide application equipment primarily for his own use;

(b) He applies the pesticides for his farmer neighbors without compensation other than trading of personal services.

(c)[(b)] He is not regularly engaged in the business of applying pesticides for hire amounting to a principal or regular occupation and that he shall not publicly hold himself out as a pesticide applicator;

[(c) He operates his pesticide application equipment only in the vicinity of his own property and for the accommodation of his neighbors.]

(2) The licensing provisions of this chapter shall not apply to any person using handpowered equipment, devices, or contrivances to apply *non-restricted use* pesticides to lawns, or to ornamental shrubs and trees not in excess of twelve (12) feet high, as an incidental part of his business of taking care of household lawns and yards for remuneration; that such person shall not publicly hold himself out as being in the business of applying pesticides.

[(3) The licensing provisions of this chapter shall not apply to persons applying pesticides only to prevent, destroy, repel, or mitigate insects or fungi within or under buildings or within vehicles, ships, aircraft, or other means of transporting persons or property by land, water or air.]

(3) [(4) This chapter shall not apply to state agencies.] This chapter shall not apply to operators presently licensed and regulated under the provisions of KRS 249.250 to 249.340 [.] *,except that if required*

by EPA regulations such persons may be issued, without additional fees or examination, an applicator's license to enable them to purchase and use restricted use pesticides pursuant to the requirements of the Federal Environmental Pesticide Control Act of 1972.

Section 18. KRS 217B.190 is amended to read as follows:

(1) No person shall discard or store any pesticide or pesticide containers in such a manner as to cause injury to humans, vegetation, crops, livestock, wildlife, pollinating insects or to pollute any waterway in a way harmful to any wildlife therein.

(2) No person shall use any registered pesticide in a manner not in accordance with its label.

(3) No person shall purchase, use or supervise the use of, a restricted use pesticide unless such person be licensed in a classification which permits such purchase, use or supervision of use.

(4) No person shall distribute a restricted use pesticide to a person who is not licensed as a restricted use pesticide dealer or applicator as prescribed in this chapter.

Section 19. KRS 217B.200 is amended to read as follows:

Any person aggrieved by any action of the *department* [director] may obtain a review thereof by filing in the *Franklin Circuit Court* [county court] within thirty (30) days of notice of the action a written petition praying that the action of the *department* [director] be set aside. A copy of such petition shall forthwith be delivered to the *department* [director], and within 60 days thereafter the *department* [director] shall certify and file in the court a transcript of any record pertaining thereto, including a transcript of evidence received, whereupon the court shall have jurisdiction to affirm, set aside or modify the action of the *department* [director], except that the findings of the *department* [director] as to the facts, if supported by substantial evidence, shall be conclusive.

Section 20. KRS 217B.210 is amended to read as follows:

The *department* [director] may, [in cooperation with the University of Kentucky] publish information and conduct short courses of instruction in the safe use and application of pesticides.

Section 21. KRS 217B.220 is amended to read as follows:

The *department* [director] may issue subpoenas to compel the attendance of witnesses and/or production of books, documents, and records anywhere in the state in any hearing[,] affecting the authority or privilege granted by a license or permit issued under the provisions of this chapter.

Section 22. KRS 217B.230 is amended to read as follows:

(1) For the purpose of carrying out the provisions of this chapter the *department or any of its employes* [director] may enter upon any public or private premises at reasonable times, in order:

(a) To have access for the purpose of inspecting any equipment subject to this chapter and such premises on which such equipment is kept or stored; or

(b) To inspect lands actually or reported to be exposed to pesticides; or

(c) To inspect storage or disposal areas; or

(d) To inspect or investigate complaints of injury to humans or land; or

(e) To sample pesticides being applied or to be applied.

(2) Should the *department* [director] be denied access to any land where such access was sought for the purposes set forth in this chapter, *the department* [he] may apply to any court of competent jurisdiction for a search warrant authorizing access to such land for said purposes. The court may upon such application, issue the search warrant for the purposes requested.

[(3) The director, with or without the aid and advice of the county or commonwealth's attorney, is charged with the duty of enforcing the requirements of this chapter and any rules or regulations issued hereunder. In the event a county or commonwealth's attorney refused to act on behalf of the Director, the Attorney General shall so act.]

[(4) The director may bring an action to enjoin the violation or threatened violation of any provision of this chapter or any rule made pursuant to this chapter in the circuit court of the county in which such violation occurs or is about to occur.]

Section 23. KRS 217B.250 is amended to read as follows:

The *department* [director] may cooperate or enter into formal agreements with any other agency or educational institution of this state or its subdivisions or with any agency of any other state or of the federal government for the purpose of carrying out the provisions of this chapter and of securing uniformity of regulations.

Section 24. A new section of KRS Chapter 217B is created to read as follows:

(1) No person shall act in the capacity of a pesticide dealer, or shall engage or offer to engage in the business of, advertise as, or assume to act as a restricted use pesticide dealer unless he is licensed annually as provided in this section. A separate license and fee shall be required for each location or outlet from which restricted use pesticides are distributed.

(2) Application for a pesticide dealer license shall be in the form and shall contain the information prescribed by the department. Each application shall be accompanied by a fee of $5.00. All licenses issued under this section shall expire on December 31 of the year for which they are issued. The license for a

pesticide dealer may be renewed annually upon application to the department, accompanied by a fee of $5.00 for each license, on or before the first day of January of the calendar year for which the license is issued.

(3) The department shall issue to each applicant who satisfies the requirements of this Section a license which entitles the applicant to conduct the business described in the application for the calendar year for which the license is issued, unless the license is sooner revoked or suspended.

(4) The department shall prescribe regulations requiring restricted use pesticide dealers to maintain such records with respect to their operations as he determines are necessary for the effective enforcement of this chapter. Such records shall include, but not be limited to; brands and amounts of restricted use pesticides sold; buyer's name, address and applicators license number; provided that, no records required under this Section shall extend to financial data, sales data, other than amount and shipment data, pricing data and personnel data. Such records are to be retained for a period of two (2) years from the time of sale. For the purposes of enforcing the provisions of this chapter, any pesticide dealer shall, upon request of the department, furnish or permit such person at all reasonable times to have access to, and to copy, records as required by this section.

Section 25. A new section of KRS Chapter 217B is created to read as follows:

Each pesticide dealer shall be responsible for the actions of every person who acts as his employe or agent in the solicitation or sale of restricted use pesticides, and in all claims and recommendations for use or application of restricted use pesticides.

Section 26. A new section of KRS Chapter 217B is created to read as follows:

(1) The department may suspend for not longer than ten (10) days, pending inquiry, and, after opportunity for a hearing, the department may deny, suspend, revoke, or modify the provision of any license issued under Section 9 of this Act if it finds that the applicant or licensee or his employe has committed any of the following acts, each of which is declared to be a violation of this Section:

(a) Made false or fraudulent claims through any media, misrepresenting the effect of materials or methods to be utilized or sold;

(b) Made a pesticide recommendation not in accordance with the label registered pursuant to KRS 217.540 to 217.640.

(c) Violated any provision of this chapter or any rule or regulation adopted by the department or of any lawful order of the department.

(d) Failed to pay the original or renewal license fee when due, and continue to sell restricted use pesticides without paying the license fee, or sold restricted use pesticides without a license;

(e) Was guilty of gross negligence, incompetency or misconduct in acting as a pesticide dealer;

(f) Refused or neglected to keep and maintain the records required by this chapter, or to make reports when and as required; or

(g) Made false or fraudulent records, invoices, or reports;

(h) Used fraud or misrepresentation in making an application for a license or renewal of a license, or in selling or offering to sell restricted use pesticides;

(i) Refused or neglected to comply with any limitations or restrictions on or in a duly issued license;

(j) Aided or abetted a licensed or an unlicensed person to evade the provisions of this chapter, combined or conspired with such a licensed or unlicensed person to evade the provisions of this chapter, or allowed one's license to be used by an unlicensed person;

(k) Impersonated any state, county, or city inspector or official;

(l) Stored or disposed of containers or pesticides by means other than those prescribed on the label or adopted regulations.

(2) Any licensee whose license is revoked under the provisions of this Section shall not be eligible to apply for a new license hereunder until such time has elapsed from the date of the order revoking said license as established by the department, not to exceed two (2) years, or if an appeal is taken from said order or revocation, not to exceed two (2) years from the date of the order or final judgment sustaining said revocation.

Section 27. A new section of KRS Chapter 217B is created to read as follows:

A Pesticide Advisory Board may be appointed by the Environmental Quality Commission with the approval of the secretary to assist in the promulgation of regulations and the administration of this chapter.

Section 28. KRS 217B.990 is amended to read as follows:

(1) Any person who violates any of the provisions of this act or who fails to perform any duties imposed by those sections, or who violates any determination or order of the department promulgated pursuant thereto shall be liable to a civil penalty of not to exceed the sum of one thousand dollars ($1,000) for said violation, and an additional civil penalty of not to exceed one thousand dollars ($1,000) for each day during which such violation continues, and in addition, may be enjoined from continuing such violations as hereinafter provided in this section. Such penalties shall be recoverable in an action brought in the name of the Commonwealth of Kentucky by the attorney general.

(2) It shall be the duty of the attorney general, upon the request of the department, to bring an action for the recovery of the penalties hereinabove provided for, and to bring an action for an injunction against any person violating or threatening to violate any provision of this act or violating or threatening to violate any order or determination of the department promulgated pursuant thereto. In any such action any finding of the department shall be prima facie evidence of the fact or facts found therein.

(3) Any person who shall wilfully violate any of the provisions of this act or any determination or order of the department promulgated pursuant to those sections which has become final shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or by imprisonment for a term of not more than one (1) year or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

[Any person violating the provisions of this chapter or the regulations issued hereunder shall be guilty of a misdemeanor and shall be subject to a penalty of not less than $25 nor more than $500, or imprisoned for not more than 30 days, or both.]

Section 29. KRS 217B.240 is repealed.

HB 370, AN ACT relating to prices of petroleum products.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 365 is created to read as follows:

"Agency" means the Office for Mandatory Allocation.

Section 2. A new section of KRS Chapter 365 is created to read as follows:

(1) The agency shall have jurisdiction over and shall be empowered to establish and control the price of all petroleum products sold or offered for sale in the Commonwealth of Kentucky; such agency shall prescribe, adopt, and publish appropriate rules and regulations within thirty (30) days of the effective date of this act which specify permissible prices at the wholesale and retail levels, and which shall be consistent with the Cost of Living Council Stabilization Program Guidelines set out in Part 150 of Title 6 of the Code of Federal Regulations and other federal laws, rules and regulations governing the price of petroleum products.

(2) The agency shall hold public hearings and receive comments from all interested parties prior to establishing maximum price levels.

Section 3. A new section of KRS Chapter 365 is created to read as follows:

(1) No person doing business in the Commonwealth and engaged in the production, manufacture, distribution, or sale of petroleum products shall sell or offer for sale petroleum products above such legally established price limits.

(2) No person shall condition the sale of gasoline, propane, diesel fuel, heating oil, other petroleum product on the purchase of nonpetroleum products, unwasted petroleum products, or services.

Section 4. A new section of KRS Chapter 365 is created to read as follows:

(1) The agency shall have the power and duty to conduct investigations, hold hearings, and compel the attendance of witnesses and the production of accounts, books, and records by the issuance of subpoena.

(2) The agency shall have the power to require the preparation and maintenance of files, accounts, and records according to agency specifications.

(3) All hearings and investigations before the agency shall be governed by rules adopted and published by the agency, and in the conduct thereof the agency shall not be bounded by the technical rules of legal evidence.

Section 5. A new section of KRS Chapter 365 is created to read as follows:

(1) Upon a written complaint by any interested or affected person, or upon motion of the agency, that a person is or may be marketing petroleum products in violation of this act, the agency shall make such investigation as it deems necessary.

(2) If the agency has probable cause to believe, after an appropriate investigation has been conducted, that a person has engaged in practices violative of this act, it shall issue and serve upon such person a notice of charges containing a statement of facts with respect to alleged violations or practices, and not earlier than fifteen (15) days nor later than thirty (30) days after service of such statement, the agency shall notify the person of the time and place at which a hearing will be held to determine whether an order to cease and desist should issue against the person.

(3) Unless the person, or a duly authorized representative, shall appear at the hearing, such person shall be deemed to have consented to the issuance of a cease and desist order.

(4) In the event of such consent, or if upon the record made at any such hearing, the agency shall find that any violation or practice specified in the notice of charges has been established, it may issue and serve upon such person an order to cease and desist from such violation or practice; the order may, whenever warranted by the evidence, declare that a person shall compensate any person or persons for any monetary loss sustained as a result of the violation of this act.

Section 6. A new section of KRS Chapter 365 is created to read as follows:

(1) A person against whom a cease and desist order has been issued may, within twenty (20) days of the service of such order, apply to the circuit court for the county in which the person resides, or the county of the person's principal place of business, or in the county in which the practice declared by this act to be unlawful has been committed, or in the circuit court of Franklin County, for an injunction setting aside, limiting, or suspending the enforcement or effectiveness of such order.

(2) In the case of violation of, or failure to obey, a cease and desist order issued pursuant to this act, the agency, ro the Attorney General acting upon request of the agency, shall apply to the circuit court for the county in which the person resides or has his principal place of business, or in the county in which the practice declared by this act to be unlawful has been committed, or to the circuit court of Franklin County, for an injunction to enforce such order.

(3) Either party to the action may appeal from the judgment of the circuit court to the Court of Appeals in accordance with the Rules of Civil Procedure, and the appeal shall be advanced in the same manner as Commonwealth cases.

Section 7. A new section of KRS Chapter 365 is created to read as follows:

Any person who violates the terms of a cease and desist order, or a temporary or permanent injunction issued under this act shall forfeit and pay to the Commonwealth a civil penalty of not less than five hundred dollars ($500) nor more than five thousand dollars ($5,000).

Section 8. A new section of KRS Chapter 365 is created to read as follows:

Whereas, the energy crisis presents a problem with the pricing of petroleum products, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

The Committee Substitute for **HB 370** is as follows:

HB 370, AN ACT relating to prices of petroleum products.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 367 is created to read as follows:

(1) No person doing business in the Commonwealth of Kentucky and engaged in the production, manufacture, distribution, or sale of petroleum products shall sell or offer for sale petroleum products at prices which are so grossly or materially at variance with the prevailing and generally accepted market price of such products so as to be oppressive or unconscionable.

(2) No person shall condition the sale of gasoline, propane, diesel fuel, heating oil, or other petroleum product on the purchase of non-petroleum products, unwanted petroleum products, or services.

Section 2. A new section of KRS Chapter 367 is created to read as follows:

(1) The Attorney General may conduct investigations, hold hearings, and compel the attendance of witnesses and the production of documents by the issuance of subpoena whenever he believes it to be in the public interest that an investigation be made to ascertain whether a person has engaged in, is engaging in, or is about to engage in, any act or practice declared to be unlawful by Section 1.

(2) Whenever the Attorney General has probable cause to believe that a person has marketed, is marketing, or is about to market petroleum products in violation of Section 1 and that proceedings would be in the public interest, he may immediately move in the name of the Commonwealth in a circuit court for a restraining order or temporary of permanent injunction to prohibit such practice. The action may be brought in the circuit court of the county in which such person resides, or in which his principal place of business is located, or in the circuit court of the county in which the practice declared by Section 1 to be unlawful has been or is about to be committed, or the action may be brought in the circuit court of Franklin County.

Section 3. A new section of KRS Chapter 367 is created to read as follows:

(1) Any person who violated the terms of a restraining order, temporary or permanent injunction issued pursuant to Sections 1 and 2 shall forfeit and pay to the Commonwealth a civil penalty of not less than five hundred dollars ($500) nor more than five thousand dollars ($5,000).

HB 465, AN ACT relating to strip mining.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 350.090 is amended to read as follows:

(1) Under the provisions of this chapter and regulations adopted by the department, an operator shall prepare and carry out a method of operation, plan of grading and backfilling and a reclamation plan for the area of land affected by his operation. In developing a method of operation, and the plans of backfilling, grading and reclamation, all measures shall be taken to eliminate damages to members of the public, their real and personal property, public roads, streams and all other public property from soil erosion, rolling stones and overburden, water pollution and hazards dangerous to life and property. The plan shall be submitted to the division and the division shall notify the applicant by registered mail within twenty (20) working days after receipt of the plans and complete application if it is or is not acceptable. If the plan is not acceptable, the division shall set forth the reasons for which the plan is not acceptable and it may propose modifications, delete areas or reject the entire plan. Should the applicant disagree with the decision of the division, he may, by written notice, request a hearing conducted by the department in the manner provided by KRS 224.083. The department shall notify the applicant by registered mail within twenty (20) days after the hearing of its decision. Any person aggrieved by a final order of the department may appeal through the courts as set forth in KRS 224.035.

(2) In addition to the method of operation, grading, backfilling and reclamation requirements of this chapter and regulations adopted pursuant thereto, the operator, consistent with the directives of subsection (1) above, shall be required to perform the following:

(a) Cover the face of the coal with compacted nonacid bearing and nontoxic materials to a distance of at least four (4) feet above the seam being strip mined or by a permanent water impoundment;

(b) Bury under adequate fill all toxic materials, roof coal, pyritic coal or shale determined by the division to be acid producing, toxic, or creating a fire hazard;

(c) Seal off, as directed by regulations, any breakthrough of acid water creating a fire hazard;

(d) Impound, drain or treat all runoff water so as to reduce soil erosion, damage to agricultural lands and pollution of streams and other waters;

(e) Remove or bury all metal, lumber, and other refuse resulting from the operation*; and,* [.]

(f) Remove, segregate, and save the topsoil from the land to be mined and restore said topsoil during reclamation to preserve, as near as possible, the topsoil's fertility of the mined land.

(3) No operator shall throw, dump, pile or permit the dumping, piling or throwing or otherwise placing any overburden, stones, rocks, coal, particles of coal, earth, soil, dirt, debris, trees, wood, logs, or any other materials or substances of any kind or nature beyond or outside of the area of land which is under permit and for which bond has been posted under KRS 350.060 or place such materials herein described in such a way that normal erosion or slides brought about by natural physical causes will permit such materials to go beyond or outside of the area of land which is under permit and for which bond has been posted under KRS 350.060.

The Committee Amendment to **HB 465** is as follows:

Amend printed copy of House Bill 465 page 3, line 4, insert after "(f)", "On land under 18 degrees"

The Committee on Appropriations and Revenue reported **HB 705,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 705, AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 132.660 is amended to read as follows:

(1) The department of revenue shall have authority to order an emergency assessment of all or any part of the taxable property in any taxing district to be made by one or more persons appointed for that purpose by the department, whenever: *the property valuation administrator fails to comply with the provisions of KRS 132.690;* there has been no regular assessment; the records of an assessment have been destroyed,

mutilated or lost; complaint is made by the owners of not less than ten per cent (10%) in value of the taxable property in the taxing district; or investigation of the department discloses that the assessment of property in such taxing district is so grossly inequitable or fiscally infeasible that an emergency exists. The order directing such emergency assessments shall state the reasons therefor and a copy shall be filed in the office of the clerk of the county court where the property lies. Such order, when filed, shall void any assessment for the assessment year for which the emergency assessment is made. Any person appointed to make such an emergency assessment shall have the same powers and duties as the property valuation administrator. Whenever the tax roll has been completed under an emergency assessment and the tentative valuations have been determined, the department shall cause to be published pursuant to KRS chapter 424, a notice as to the date when the tax roll will be ready for inspection and the time available for such purpose; also a copy of the notice shall be posted at the courthouse door. If any property is assessed at a greater value than that listed by the taxpayer or unlisted property is assessed, the taxpayer shall be charged with notice of such action by reason of the inspection period, and no further notice need be given of such action taken before the beginning of the inspection period. At the close of the inspection period, the tax roll shall be delivered to the county court clerk and the county judge shall immediately convene the board of *assessment appeals* [supervisors] to hear and determine any appeals from such emergency assessment. The board shall remain in session for the time and shall receive the compensation as provided in KRS 133.030 (2). Appeals shall be taken and heard from such emergency assessments in the same manner as appeals from regular assessments.

(2) The department may appoint the property valuation administrator to make an emergency assessment provided he was not at fault, and if the property valuation administrator is so appointed he shall receive reasonable compensation for his services in making this assessment, which shall not affect in any manner the payment to him of any compensation that he has received for himself or on behalf of a deputy or that may be due him, for services in making the regular assessment. Whenever through the property valuation administrator's fault an emergency assessment is ordered, the property valuation administrator shall *be suspended from office without pay until the emergency assessment has been completed and the assessment certified and he shall* become liable for the cost thereof as provided in KRS 132.620, such cost to be limited to the amount due or paid him in accordance with the provisions of KRS 132.590.

Section 2. KRS 132.690 is amended to read as follows:

(1) *Effective January 1, 1975, and each four years thereafter, all* [All] taxable real property or interest therein subject to assessment by the property valuation administrator shall be revalued *based upon a physical examination of the property* [during the second year of each term of office] by the property valuation administrator *at its fair cash value* in accordance with standards prescribed by the Department of Revenue.

(2) No later than January 1 of each year the Department of Revenue shall advise the property valuation administrators of the level of assessment (ratio) in the county and the approximate amount of assessment that would be needed to meet the fair cash value requirement.

(3)[(2)] The right of any individual to appeal the assessment on his property in any year as provided in KRS 133.120 shall in no way be affected by this section.

(4)[(3)] *When the property valuation administrator in any county fails to revalue and assess all property, or any class of property, as provided by subsection (1) of this section the department shall notify the property valuation administrator of the changes necessary to correct the assessment and the property valuation administrator shall immediately make such correction of the assessment as may be necessary to comply with the directions of the department.* [Should the property valuation administrator fail to revalue property as required by this section the Department of Revenue shall have the authority to order an emergency revaluation in the same manner as provided for emergency assessments by KRS 132.660.] Any property valuation administrator wilfully violating the provisions of *subsection (1) of* this section *or who refuses to comply with the directions of the Department of Revenue to correct the assessment shall have his compensation suspended by the department and* shall be subject to removal from office as provided by KRS 132.370(3) *and shall be subject to the provisions of KRS 132.620 and KRS 61.120.*

(5) Direction of the Department of Revenue to the property valuation administrator to correct the assessment as provided in subsection (4) of this section shall be appealable by the property valuation administrator but shall not be construed as state equalization under the provisions of KRS 133.150, KRS 133.160 and KRS 133.170.

(6) In each year in which revaluation is required as provided in subsection (1) of this section, the property valuation administrator, upon completion of the tax roll, shall cause to be published pursuant to KRS Ch. 424, a notice as to the date when the tax roll will be ready for inspection and the time available for such purposes. The taxpayers shall be charged with notice of the revaluation by reason of the inspection period, and no further notice need be given of such action. The cost of the notice shall be paid by the fiscal court.

(7) In any year in which revaluation is required by subsection (1) of this section the inspection period for the tax rolls shall not be held until the Department of Revenue has notified the property valuation administrator that the assessment is acceptable and the county board of assessment appeals shall not be

convened until the inspection period has been held.

(8) In any year in which revaluation is not required by subsection (1) of this section, the property valuation administrator shall assess all property as provided by KRS 132.420(1) and KRS 132.450(1).

(9) Nothing in this section shall prohibit action by the Department of Revenue under the provisions of KRS 133.150 or KRS 132.660 in any year in which the department determines such action to be necessary.

Section 3. KRS 133.150 is amended to read as follows:

The department of revenue [shall equalize each year the assessments of the property among the counties. It] shall compare *each year* the recapitulation of the property valuation administrator's books from each county with the records of sales of land in such county or with such other information that it may obtain from any source and shall determine the ratio of the assessed valuation of the property to the fair cash value. The department of revenue shall have power to increase or decrease the aggregate assessed valuation of the property of any county or taxing district thereof or any class of property or any item in any class of property. The department of revenue shall fix the assessment of all property at its fair cash value. When the property in any county, or any class of property in any county, is not assessed at its fair cash value, such assessment shall be increased or decreased to its fair cash value by fixing the percentage of increase or decrease necessary to *achieve fair cash value* [effect the equalization].

Section 4. KRS 133.160 is amended to read as follows:

When it is contemplated by the department of revenue that it will be necessary to raise the assessed valuation of property in any county *as provided by KRS 133.150*, it shall give notice of the contemplated action to the county court, the superintendent of any school district affected by such action, the mayor of any city which is affected and which has adopted the assessment, and to the taxpayers of that county through the county judge, who shall post the notice sent him on the courthouse door and certify to the department of revenue that this has been done, and it shall fix a time and place for a hearing which may be in Frankfort or any convenient place in or nearer the county seat.

Section 5. KRS 133.170 is amended to read as follows:

(1) When the department of revenue has completed its *action on* [equalization of] the assessment of the property in any county *under the provisions of KRS 133.150* , it shall certify its action to the county judge, with a copy of the certification for the county clerk, to be laid before the fiscal court of the county.

(2) If the fiscal court deems it proper to ask for a review of the aggregate equalization of any class or subclass of property, it shall direct the county attorney to prosecute an appeal of the aggregate increase to the Kentucky board of tax appeals within ten (10) days from the date of the certification.

(3) Within ten (10) days from the date that the department's aggregate equalization of any or all classes or subclasses of property becomes final by failure of the fiscal court to prosecute an appeal or by order of the Kentucky board of tax appeals or the courts, the fiscal court shall cause to be published, at least one (1) time, in the newspaper having the largest circulation within the county, a public notice of the department's action.

(4) Within ten (10) days from the date of the publication of the notice required in subsection (3) of this section, any individual taxpayer whose property assessment is increased above its fair cash value by the equalization action may file with the county clerk an application for *relief* [exoneration of his property assessment] from the increase. The application shall be filed in duplicate and shall include the name and address of the person in whose name the property is assessed; the assessment of the property before the increase; *the owner's opinion as to the fair cash value of the property;* the description and location of the property including the description shown on the tax roll; the property owner's reason for appeal and all other pertinent facts having a bearing upon its value. The county clerk shall forward one (1) copy, of each application for *relief* [exoneration] to the department of revenue and shall exclude the amount of the equalization increase from the assessment in the preparation of the property tax bill for each property for which an application for *relief* [exoneration] has been filed.

(5) The county judge shall reconvene the *county* board of *assessment appeals* [supervisors] immediately following the close of the period for filing applications for *relief* [exoneration] from the increase. The board shall schedule and conduct hearings on *each* [all] application[s] in the manner prescribed for hearing appeals by KRS 133.120; however, the board shall not have authority to reduce any assessment to an amount less than that listed for the property *prior to the application of the increase* [at the time of adjournment of the regular board session].

(6) The county clerk shall act as clerk of the reconvened board and shall keep an accurate record of the proceedings in the same manner as provided by KRS 133.125. Within five (5) days of the adjournment of the reconvened board, he shall notify each property owner in writing of the final action of the board with relation to the equalization increase and shall forward a copy of the proceedings certified by the chairman of the board and attested by him to the department of revenue and to the other taxing districts participating in the tax.

(7) Any taxpayer whose application has been denied, in whole or in part, may appeal to the Kentucky board of tax appeals as provided in KRS 131.340, and appeals thereafter may be taken to the courts as provided in KRS 131.370.

(8) The provisions of KRS 133.120*(5)* [(4)] shall apply to the payment of taxes upon any property assessment for which an application for *relief* [exoneration] has been filed.

(9) The provisions of subsections (4), (5), (6), (7), and (8) of this section shall only apply to appeals growing out of equalization action by the department of revenue under the provisions of KRS 133.150.

Section 6. A new section of KRS Chapter 132 is created to read as follows:

Notwithstanding the provisions of KRS 68.245, KRS 132.010, KRS 132.023, KRS 132.027, KRS 132.425, and KRS 160.470 to the contrary, that part of the maximum permissible revenue derived from ad valorem taxes on real property in any year, excluding revenue from taxes on new property, shall not exceed the revenue derived from the tax on real property in the preceding year by more than five percent.

Section 7. It is the public policy of the Commonwealth as expressed in the Constitution and as directed by the Court that property be assessed at fair cash value and it is the purpose of this Act to effectuate such policy.

Section 8. KRS 134.030 is amended to read as follows:

(1) In case of extreme drought and the failure of crops in the state, or in case of continued unemployment due to economic changes, or in case of extreme destruction of property by any act of Providence, the governor may, by proclamation, extend the time for payment of any taxes or interest, or both, due to the state or counties, for not less than thirty (30) nor more than ninety (90) days. The proclamation may apply to one or more counties or to the entire state.

(2) When property tax bills are not delivered to the sheriff for collection by October 1 by reason of revaluation under KRS 132.660, KRS 132.690 or KRS 133.150, the Department of Revenue shall have the power to authorize a special thirty-day period, commencing upon the date the sheriff receipts for the bills, during which such bills may be paid with two percent discount. Upon expiration of the special thirty-day discount period, collection of taxes shall be in accordance with that provision of KRS 134.020 which would have been in effect had no special discount period been authorized.

(3)[(2)] The sheriffs shall have full relief for any taxes, interest or penalties exacted of them by any law in the event of such proclamation by the governor.

Section 9. KRS 132.700 is hereby repealed.

The Committee Substitute for **HB 705** is as follows:

HB 705, AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Kentucky Department of Revenue shall cause a study to be made of:

(a) The equalization of assessments among classes of property in the Commonwealth;
(b) Training of and providing assistance to local assessment personnel;
(c) Department of Revenue technical staff requirements to support local assessing authorities;
(d) The limited classification of property by rate;
(e) Classification of property for local tax purposes;
(f) Current Constitutional exemptions;
(g) Current rate limitations for local government and schools.

Section 2. The Department of Revenue shall report the results of the study and submit the proposed legislation to the Interim Committee on Appropriations and Revenue before July 1, 1975.

Section 3. The Department may obtain the testimony of recognized experts in the field of property taxation.

The Committee on Banking and Insurance reported **HB 387,** with Committee Substitute attached thereto, **SB 175,** and **SB 234** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 387, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of Subtitle 12 of KRS Chapter 304 is created to read as follows:

(1) No insurer may cancel a written agreement with a broker or agent with respect to motor vehicle liability insurance or refuse to accept motor vehicle liability insurance business from such broker or agent unless it complies with the provisions of this section.

(2) If an insurer intends to cancel such a written agreement with a broker or agent or to refuse to accept such further business from such broker or agent, it shall give at least sixty days written notice of its intention to the broker or agent and to each person insured by the insurer through the broker or agent. The notice to the insured shall state (a) the intention of the insurer to cancel its agreement with the broker or agent, or not to accept further business from such broker or agent, (b) the right of the insured to replace his insurance, upon its expiration, through the broker or agent with another company, and (c) the right to have the insurance renewed directly by the insurer or by the insurer through another broker or agent.

(3) If an insurer who cancels such a written agreement with a broker or agent or refuses to accept such further business from a broker or agent is not advised in writing that policies it has writing that policies it has written through such agent or broker have been replaced by other insurance, the insurer shall, at least forty-five days prior to the expiration of each such policy, offer to renew the same directly or through another broker or agent; and unless the insurer is thereafter advised by the insured that he does not wish the policy to be renewed, the insurer shall, upon tender of the appropriate premium, renew the policy for at least one year; provided, however, that nothing contained herein shall preclude the insurer from allowing the insured to pay the premiums on a periodic basis or from cancelling the policy for nonpayment of premiums.

(4) Notwithstanding any other provisions of this section, no insurer may cancel or amend a written agreement with an agent, or broker, or refuse to accept business from such agent or broker if the cancellation or amendment is arbitrary, capricious, unfair, discriminatory, or based in whole or part upon the race, creed, color, religion, national origin, place of residency of the agent or broker, his applicants or policyholders.

Section 2. A new section of Subtitle 12 of KRS Chapter 304 is created to read as follows:

(1) Whenever an insurer gives notice of its intention to cancel or not to renew a policy of insurance other than life, health or motor vehicle liability insurance issued in this State as hereinafter required in subsection (3) hereof, or before it cancels any such policy of insurance for a reason other than for nonpayment of premium, the insurer shall notify the insured of his possible right to replace such insurance through the Kentucky Property Insurance Placement Facility, or any other facility, if there be such, and he may be eligible therefor.

(2) The notice shall contain the current address and telephone number of the offices of such plan. It shall be sent to the insured in the same manner and at the same time as the first written notice of cancellation or of intention not to renew given or required by law, regulation or contract.

(3) The insurer shall see that written notice of intention to cancel for a reason other than nonpayment of premium or notice of intention not to renew a policy issued in this State is sent to the insured not less than 45 days prior to the date of the proposed cancellation or expiration of the policy, as the case may be. Notice given the insured by an insurance broker or agent on behalf of the insurer shall be deemed to have been given by the insurer for the purposes of this subsection; provided, however, that no such notices shall be required where the agent or broker has replaced the insurance.

Section 3. A new section of Subtitle 12 of KRS Chapter 304 is credited to read as follows:

(1) No insurer shall (a) cancel or fail to renew a policy of motor vehicle liability insurance issued in this State, as to any resident of the household of the named insured, for any reason other than non-payment of premium, or (b) increase a premium for any coverage on any such policy unless the increase is part of a general increase in premiums approved by the Commissioner and does not result from a reclassification of the insured, or (c) reduce the coverage under any such policy unless the reduction is part of a general reduction in coverage approved by the Commissioner of Insurance.

(2) An insurer intending to take an action subject to the provisions of this section shall, on or before forty-five days prior to the proposed effective date of the action, send written notice of its intended action to the insured at his last known address. The notice shall be in triplicate, and shall state in clear and specific terms, on a form approved by the Commissioner of Insurance.

(a) the proposed action to be taken, including, if the action is an increase in premium or reduction in coverage, the amount of increase and the type of coverage to which it is applicable, or the type of coverage reduced and the extent of the reduction;

(b) the proposed effective date of the action;

(c) the insurer's actual reason or reasons for proposing to take such action. The statement of reasons shall be sufficiently clear and specific so that a person of average intelligence can identify the basis for the insurer's decision, without making further inquiry. Generalized terms such as "personal habits," "living conditions," "poor morals," or "violation or accident record" shall not suffice to meet the requirements of this section;

(d) if there is coupled with the notice an offer to continue or renew the policy in accordance with Section 6 of this Act, the name or the person or persons to be excluded from coverage, and what the premium

would be if the policy is continued or renewal with such person or persons excluded from coverage;

(e) the right of the insured to protest the proposed action and request a hearing thereon before the Commissioner by signing two copies of the notice and sending them to the Commissioner within ten days after receipt of the notice.

(f) that if a protest is filed by the insured, the current insurance will remain in effect until a determination is made by the Commissioner upon payment of any lawful premium due or becoming due prior to the determination;

(g) the authority of the Commissioner to award reasonable counsel fees to the insured for services rendered to the insured in connection with any such hearing if he finds the proposed action of the insurer to be unjustified.

(3) Any statement of reasons contained in the notice given pursuant to subsection (2) (c) hereof shall be privileged and shall not constitute grounds for any action against the insurer or its representatives or any person who in good faith furnishes to the insurer the information upon which the statement is based.

(4) An insured shall have the right to protest the proposed action of the insurer by signing two copies of the notice and sending them to the Commissioner within ten days after receipt of the notice. The Commissioner shall, upon receipt of a protest, notify the insurer of the filing of the protest.

(5) A protest duly filed shall stay the proposed action of the insurer pending a final determination thereof by the Commissioner, and the insurer shall keep in full force and effect the same coverage and premium in effect on the day the notice of proposed change was sent until such final determination is made, provided that any lawful premium due or becoming due prior to such determination is paid.

(6) If the Commissioner finds from the notice that the protest is without merit, he may dismiss the protest is dismissed without a hearing, the proposed action of the insurer shall become effective on its proposed effective date. In all other cases the Commissioner shall hold a hearing on the protest within thirty days after receipt of the protest and shall give written notice of the time and place thereof to the insurer and the insured at least ten days prior to the scheduled date of the hearing. The insurer shall have the burden of proving its proposed action to be justified, and, in doing so, may rely only upon the reasons set forth in its notice to the insured.

(7) If the Commissioner finds the proposed action to be justified, he shall dismiss the protest and allow the proposed action to be taken on the later of (a) its proposed effective date, or (b) fifteen days after the date of the determination. If the Commissioner finds the proposed action to be unjustified, he shall disallow the action, and may, in addition, order the insurer to pay such reasonable counsel fees incurred by the insured for representation at the hearing as he may deem appropriate. The Commissioner may delegate the duties and powers conferred in this section to one or more employes or hearing examiners.

Section 4. A new section of Subtitle 12 of KRS Chapter 304 is created to read as follows:

(1) Insurers have a duty to provide each policyholder with a notice of renewal premium due at least 17 days in advance of the due date, unless a notice of intention not to renew has been furnished in compliance with Sections 2 and 3 of this Act. This duty may be discharged by any duly licensed agent or brokers.

(2) If there is a failure to discharge the duty set forth in subsection (1) of this section, and thereafter the policyholder fails to make timely payment of the renewal premium the insurer must:

(a) Provide coverage for any claim which would have been covered under the policy, if it arises within 45 days after the date the insured discovers or should have discovered that his policy has not been renewed and,

(b) Renew the policy upon tender of payment, provided the tender is made within 30 days after the policyholder discovers or should have discovered that his policy has not been renewed.

(3) The duty imposed by subsection (1) of this section will be deemed discharged if the insurer shows that its established procedures would have resulted in the placing in the United States mail of the notice of renewal premium due, provided there is no showing that in fact the notice was not placed in the mail.

Section 5. A new section of Subtitle 12 of KRS Chapter 304 is created to read as follows:

(1) Definitions. - "Applicant" as used in this section is defined to mean the person seeking to purchase an insurance policy other than a policy of life, health or motor vehicle liability insurance whether such policy be a renewal policy or as a reinstatement of a cancelled policy.

"Reason" as used in this section is defined to include "reasons."

(2) All applicants. - If an insurer cancels or refuses to renew a policy, such insurer must furnish to the applicant a statement of the actual reason therefor, or that the actual reason will be provided upon request, if:

(a) The duly authorized premium has been tendered or paid.

(b) A written request for the actual reason has been made within thirty days after receipt of the statement of intention to cancel or not renew, whether or not the applicant subsequently is accepted under any of the plans set forth in subsection (5) of this section.

(3) Existing policyholders. - In the case of cancellation or refusal to renew, subsection (2) of this section is applicable if the actual policy has been issued or if a bonder has been in effect for at least fifteen days.

(4) Requirements as to statements. - If a statement of actual reason, or a statement refusing an application, is furnished substantially pursuant to subsections (2), (3), or (4) of this section, it shall be subject to the following:

(a) It shall be privileged and shall not constitute grounds for any action against the insurer or its representatives or any person who in good faith furnishes to the insurer the information upon which the statement is based;

(b) A copy of the statement shall be furnished to the Commissioner;

(c) The statement must be made by the insurer or its duly authorized agent within ten days after receipt by the insurer of a request therefor;

(d) If not made pursuant to request; the statement must contain notice to the applicant that he has a right to request the actual reason therefor, provided he makes the request within thirty days after receipt of the statement of refusal to issue or intention to cancel or nor renew and that any such statement will be retained as a public record in the division;

(e) The reason given must be sufficiently clear and specific so that an applicant of reasonable intelligence will be able to identify the basis for the insurer's decision without making further inquiry. Generalized terms such as personal habits, living conditions, poor morals, violation or accident record, are not adequate to meet this requirement.

(5) Applicability to availability programs. - The provisions of this section shall apply to the Kentucky automobile insurance plan, the Kentucky property insurance placement facility, and to any other plans which may be instituted to assure availability of insurance, unless explicitly excluded.

Section 6. A new section of Subtitle 12 of KRS Chapter 304 is created to read as follows:

(1) In any case where an insurer is authorized under this subtitle to cancel or non-renew or increase the premiums on an automobile liability insurance policy under which more than one person is insured because of the claim experience or driving record of one or more but less than all of the persons insured under the policy, the insurer shall in lieu of cancellation, non-renewal, or premium increase offer to continue or renew the insurance, but to exclude from coverage, by name, the person or persons whose claim experience or driving record would have justified the cancellation or non-renewal. The premiums charged on any such policy excluding a named driver or drivers shall not reflect the claims, experience or driving record of the excluded named driver or drivers.

(2) With respect to any person excluded from coverage under this section, the policy may provide that the insurer shall not be liable for damages, losses, or claims arising out of his operation or use of the insured motor vehicle, whether or not such operation or use was with the express or implied permission of a person insured under the policy.

Section 7. A new section of Subtitle 12 of KRS Chapter 304 is created to read as follows:

If any insurer fails to comply with the provisions of Section 2, 3, 4, or 5 of the Act such insurer shall be liable to the applicant for the coverage which was requested, or which would have become effective except for the failure to comply with this section, unless the person seeking coverage no longer wishes the coverage, has obtained other substantially equivalent coverage, or fails to tender or pay the premium after reasonable demand therefor has been made. Such liability is in addition to any other penalties applicable pursuant to law.

Section 8. A new section of KRS Chapter 411 is created to read as follows:

(1) In all actions brought to recover damages for death, injuries to a person, or injuries to property caused by the negligence of another, the fact that the plaintiff may have been guilty of contributory negligence shall not bar a recovery unless the trier of fact finds that the contributory negligence of the plaintiff was equal to or exceeded by comparison, the negligence of the plaintiff was equal to or exceeded by comparison, the negligence of the defendant or defendants as the proximate cause of the death or injuries.

(2) The contributory negligence of the plaintiff, shall, if less, by comparison, than the negligence of the defendant or defendants, be considered by the trier of fact in the mitigation of damages in proportion to the amount of contributory negligence attributable to the plaintiff. In each case, the trier of fact shall, in its verdict, find separately (a) the amount of damages, if any, to be awarded to the plaintiff assuming that the plaintiff was not guilty of any contributory negligence, (b) the amount, expressed in percentage, of total negligence proximately causing the death or injuries attributable to the plaintiff as contributory negligence, and (c) the net award to the plaintiff, which shall be the total award of damages reduced by a percentage thereof equal to the percentage of negligence attributable to the plaintiff.

Section 9. A new section of KRS 411 is created to read as follows:

In any claim or cause of action in tort for personal injury or death arising out of the operation of a motor vehicle, whether determined by judgment, arbitration, or settlement, in which the right to or amount of compensation of the claimant's attorney is contingent in whole or in part upon the amount of recovery, the compensation shall not exceed 25% of the first $5,000 of recovery and 33 1/3% of the amount of recovery in excess of $5,000.

Section 10. A new section of KRS Chapter 411 is created to read as follows:

(1) In any action for bodily injuries arising from the operation of a motor vehicle in which a money judgment is entered in favor of the plaintiff, the court may, in its discretion, assess interest at the rate of six percent per annum upon the amount of the judgment dating from a time not earlier than the date upon which the action was filed, against any defendant who the court finds caused an inordinate delay in having the action ready or set for trial.

(2) For purposes of this section, a delay caused by a defendant's insurer or counsel shall be deemed to be a delay caused by the defendant.

(3) The granting of two or more postponements of a trail date set by the court or the clerk or assignment officer thereof at the request of one or more defendants may be deemed to be evidence of an inordinate delay caused by such defendant or defendants.

Section 11. A new section of KRS Chapter 187 is created to read as follows:

No motor vehicle license shall be issued in this state for any such vehicle and no person shall operate a motor vehicle on the highways of the Commonwealth of Kentucky unless and until he shows proof of financial responsibility in the manner hereinafter provided. Proof of financial responsibility shall be shown by filing with the county clerk an affidavit attesting to the owner's possession of a policy of liability insurance meeting the requirements of this Act which he will maintain for one year, or the filing of a bond (with corporate surety) or certificate of deposit in the amount of $25,000, which bond or certificate is conditioned upon payment by the owner of all damages arising out of the ownership, maintenance or use of such automobile for which said owner is ultimately held liable. The clerk shall be entitled to a fee of twenty-five cents for filing such affidavit, bond or certificate of deposit.

Section 12. A new section of KRS Chapter 187 is created to read as follows:

Every insurance policy which is to be used as proof of financial responsibility by an owner of a motor vehicle shall contain the following liability coverages. Indemnity from legal liability for bodily injury, death or property damage arising out of ownership, maintenance or use of the vehicle to the limit, exclusive of interest and costs, of at least $10,000 per person for bodily injury or death; $20,000 per accident for bodily injury or death; and $5,000 per accident for property damage.

Section 13. A new section of KRS Chapter 187 is created to read as follows:

(1) Any person who violates the provisions of Section 1 of this Act by operating a motor vehicle at any time without proof of financial responsibility shall be fined not less than $100, nor more than $500 and may be imprisoned for not more than six (6) months.

(2) Any person who knowingly and wilfully violates the provisions of Section 1 of this Act by falsely swearing to the ownership of the insurance required, shall be fined not less than $500, nor more than $1,000, and may be imprisoned for not more than one (1) year.

Section 14. This Act shall become effective on January 1, 1975.

Section 15. KRS 187.290, 187.330 to 187.590, 187.610, 187.620 and 304.20-040 are repealed.

The Committee Substitute for **HB 387** is as follows:

HB 387, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of Subtitle 12 of KRS Chapter 304 is created to read as follows:

(1) No insurer shall except as provided in this section (a) cancel or fail to renew a policy of motor vehicle liability insurance issued in this State, as to any resident of the household of the named insured, for any reason other than non-payment of premium, or (b) reduce the coverage under any such policy unless the reduction is part of a general reduction in coverage approved by the Commissioner of Insurance.

(2) An insurer intending to take an action subject to the provisions of this section shall, on or before forty-five days prior to the proposed effective date of the action, send written notice of its intended action to the insured at his last known address. The notice shall be in triplicate, and shall state in clear and specific terms, on a form approved by the Commissioner of Insurance.

(a) the proposed action to be taken, including, if the action is an increase in premium or reduction in coverage, the amount of increase and the type of coverage to which it is applicable, or the type of coverage reduced and the extent of the reduction;

(b) the proposed effective date of the action;

(c) the insurer's actual reason or reasons for proposing to take such action. The statement of reasons shall be sufficiently clear and specific so that a person of average intelligence can identify the basis for the

insurer's decision, without making further inquiry. Generalized terms such as "personal habits," "living conditions," "poor morals," or "violation or accident record" shall not suffice to meet the requirements of this section;

(d) if there is coupled with the notice an offer to continue or renew the policy in accordance with Section 6 of this Act, the name of the person or persons to be excluded from coverage, and what the premium would be if the policy is continued or renewed with such person or persons excluded from coverage;

(e) the right of the insured to protest the proposed action and request a hearing thereon before the Commissioner by signing two copies of the notice and sending them to the Commissioner within ten days after receipt of the notice;

(f) that if a protest is filed by the insured, the current insurance will remain in effect until a determination is made by the Commissioner upon payment of any lawful premium due or becoming due prior to the determination;

(g) the authority of the Commissioner to award reasonable counsel fees to the insured for services rendered to the insured in connection with any such hearing if he finds the proposed action of the insurer to be unjustified.

(3) Any statement of reasons contained in the notice given pursuant to subsection (2) (c) hereof shall be privileged and shall not constitute grounds for any action against the insurer or its representatives or any person who in good faith furnishes to the insurer the information upon which the statement is based.

(4) An insured shall have the right to protest the proposed action of the insurer by signing two copies of the notice and sending them to the Commissioner within ten days after receipt of the notice. The Commissioner shall, upon receipt of a protest, notify the insurer of the filing of the protest.

(5) A protest duly filed shall stay the proposed action of the insurer pending a final determination thereof by the Commissioner, and the insurer shall keep in full force and effect the same coverage and premium in effect on the day the notice of proposed change was sent until such final determination is made, provided that any lawful premium due or becoming due prior to such determination is paid.

(6) If the Commissioner finds from the notice that the protest is without merit, he may dismiss the protest without a hearing, and the proposed action of the insurer shall become effective on its proposed effective date. In all other cases the Commissioner shall hold a hearing on the protest within thirty days after receipt of the protest and shall give written notice of the time and place thereof to the insurer and the insured at least ten days prior to the scheduled date of the hearing. The insurer shall have the burden of proving its proposed action to be justified, and, in doing so, may rely only upon the reasons set forth in its notice to the insured.

(7) If the Commissioner finds the proposed action to be justified, he shall dismiss the protest and allow the proposed action to be taken on the later of (a) its proposed effective date, or (b) fifteen days after the date of the determination. If the Commissioner finds the proposed action to be unjustified, he shall disallow the action, and may, in addition, order the insurer to pay such reasonable counsel fees incurred by the insured for representation at the hearing as he may deem appropriate. The Commissioner may delegate the duties and powers conferred in this section to one or more employes or hearing examiners.

Section 2. A new section of Subtitle 12 of KRS Chapter 304 is created to read as follows:

(1) Insurers have a duty to provide each policyholder with a notice of renewal premium due at least 17 days in advance of the due date, unless a notice of intention not to renew has been furnished in compliance with Section 1 of this Act. This duty may be discharged by any duly licensed agent or brokers.

(2) If there is a failure to discharge the duty set forth in subsection (1) of this section, and thereafter the policyholder fails to make timely payment of the renewal premium the insurer must:

(a) Provide coverage for any claim which would have been covered under the policy, if it arises within 45 days after the date the insured discovers or should have discovered that his policy has not been renewed and,

(b) Renew the policy upon tender of payment, provided the tender is made within 30 days after the policyholder discovers or should have discovered that his policy has not been renewed.

(3) The duty imposed by subsection (1) of this section will be deemed discharged if the insurer shows that its established procedures would have resulted in the placing in the United States mail of the notice of renewal premium due, provided there is no showing that in fact the notice was not placed in the mail.

Section 3. A new section of Subtitle 12 of KRS Chapter 304 is created to read as follows:

(1) In any case where an insurer is authorized under this subtitle to cancel or non-renew or increase the premiums on an automobile liability insurance policy under which more than one person is insured because of the claim experience or driving record of one or more but less than all of the persons insured under the policy, the insurer shall in lieu of cancellation, non-renewal, or premium increase offer to continue or renew the insurance, but to exclude from coverage, by name, the person or persons whose claim experience or driving record would have justified the cancellation or non-renewal. The premiums charged on any such policy excluding a named driver or drivers shall not reflect the claims, experience or driving record of the excluded named driver or drivers.

(2) With respect to any person excluded from coverage under this section, the policy may provide that the insurer shall not be liable for damages, losses, or claims arising out of his operation or use of the insured motor vehicle, whether or not such operation or use was with the express or implied permission of a person insured under the policy.

Section 4. A new section of Subtitle 12 of KRS Chapter 304 is created to read as follows:

If any insurer fails to comply with the provisions of Section 1 or 2 of the Act such insurer shall be liable to the applicant for the coverage which was requested, or which would have become effective except for the failure to comply with this section, unless the person seeking coverage no longer wishes the coverage, has obtained other substantially equivalent coverage, or fails to tender or pay the premium after reasonable demand therefor has been made. Such liability is in addition to any other penalties applicable pursuant to law.

Section 5. A new section of KRS Chapter 411 is created to read as follows:

(1) Contributory negligence shall not bar recovery in an action by any person or his legal representative to recover damages for negligence or gross negligence resulting in death or in injury to person or property, if such negligence was not as great as the negligence or gross negligence of the person against whom recovery is sought, but any damages allowed shall be diminished in the proportion to the amount of negligence attributable to the person recovering. As used in this act, "contributory negligence" includes "assumption of the risk".

(2) The court may, and when requested by any party shall, direct the jury to find separate special verdicts determining the total amount of damages suffered and the percentage of negligence attributable to each party; and the court shall then reduce the amount of the damages in proportion to the amount of negligence attributable to the person seeking recovery.

Section 6. A new section of KRS 411 is created to read as follows:

In any claim or cause of action in tort for personal injury or death arising out of the operation of a motor vehicle, whether determined by judgment, arbitration, or settlement, in which the right to or amount of compensation of the claimant's attorney is contingent in whole or in part upon the amount of recovery, the compensation shall not exceed 25% of the first $5,000 of recovery and 33 1/3% of the amount of recovery in excess of $5,000.

Section 7. A new section of KRS Chapter 411 is created to read as follows:

(1) In any action for bodily injuries arising from the operation of a motor vehicle in which a money judgment is entered in favor of the plaintiff, the court may, in its discretion, assess interest at the rate of six percent per annum upon the amount of the judgment dating from a time not earlier than the date upon which the action was filed, against any defendant who the court finds caused an inordinate delay in having the action ready or set for trial.

(2) For purposes of this section, a delay caused by a defendant's insurer or counsel shall be deemed to be a delay caused by the defendant.

(3) The granting of two or more postponements of a trial date set by the court or the clerk or assignment officer thereof at the request of one or more defendants may be deemed to be evidence of an inordinate delay caused by such defendant or defendants.

Section 8. A new section of KRS Chapter 187 is created to read as follows:

No motor vehicle license shall be issued in this state for any such vehicle and no person shall operate a motor vehicle on the highways of the Commonwealth of Kentucky unless and until he shows proof of financial responsibility in the manner hereinafter provided. Proof of financial responsibility shall be shown by filing with the county clerk an affidavit attesting to the owner's possession of a policy of liability insurance meeting the requirements of this Act which he will maintain for one year, or the filing of a bond (with corporate surety) or certificate of deposit in the amount of $25,000, which bond or certificate is conditioned upon payment by the owner of all damages arising out of the ownership, maintenance or use of such automobile for which said owner is ultimately held liable. The clerk shall be entitled to a fee of twenty-five cents for filing such affidavit, bond or certificate of deposit.

Section 9. A new section of KRS Chapter 187 is created to read as follows:

Every insurance policy which is to be used as proof of financial responsibility by an owner of a motor vehicle shall contain the following liability coverages. Indemnity from legal liability for bodily injury, death or property damage arising out of ownership, maintenance or use of the vehicle to the limit, exclusive of interest and costs, of at least $10,000 per person for bodily injury or death; $20,000 per accident for bodily injury or death; and $5,000 per accident for property damage.

Section 10. A new section of KRS Chapter 187 is created to read as follows:

(1) Any person who violates the provisions of Section 8 of this Act by operating a motor vehicle at any time without proof of financial responsibility shall be fined not less than $100, nor more than $500 and may be imprisoned for not more than six (6) months.

(2) Any person who knowingly and wilfully violates the provisions of Section 8 of this Act by falsely swearing to the ownership of the insurance required, shall be fined not less than $500, nor more than $1,000,

and may be imprisoned for not more than one (1) year.

Section 11. This Act shall become effective on January 1, 1975.

Section 12. KRS 187.290, 187.330 to 187.590, 187.610, 187.620 and 304.20-040 are repealed.

SB 175, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 299 is created to read as follows:

Upon the effective date of this Act no company not previously licensed shall be licensed to engage in the business of life and casualty insurance as set forth in KRS 299.020 through 299.215.

SB 234, AN ACT relating to group insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of Subtitle 18 of KRS Chapter 304 is created to read as follows:

(1) Any group policy as defined in KRS 304.18-020 delivered or issued for delivery in this state which provides hospital or surgical benefits other than for specific diseases or accidental injury only, shall provide that if coverage terminates for any reason and if the individual has been continuously insured under a group policy and under any group policy it replaces for at least three months immediately preceding the termination of coverage, he shall be entitled to have issued to him by the insurer, without evidence of insurability, a health insurance policy on a form then available for conversion from the group coverage, by making written application therefor, accompanied by the first quarterly, semi-annual or annual premium, at the option of the person or member, to the insurer not later than thirty-one (31) days after such termination of coverage. Such premium shall be in accordance with the insurer's table of premium rates in effect on the later of (a) the effective date of the converted policy or (b) the date of application therefor, and applicable to the class of risk to which the covered persons belong and to their ages and to the form and amount of insurance provided.

(2) The converted policy shall cover the person or member and his eligible dependents covered by the group policy on the date the group policy terminated. The effective date of any such converted policy shall be the date of termination of insurance under the group policy.

(3) The insurer shall not be required to issue a converted policy covering any person if such person is or could be covered by Medicare (Title XVIII of the United States Social Security Act as added by the Social Security Amendments of 1965 or as later amended or superseded). Furthermore, the insurer shall not be required to issue a converted policy covering any person if (a) such person is covered for similar benefits by another hospital or surgical or medical expense insurance policy or hospital or medical service subscriber contract or medical practice or other prepayment plan or by any other plan or program or (b) similar benefits are provided for, or available to, such person pursuant to, or in accordance with the requirements of, any statute, and the benefits provided or available under any of the sources referred to in (a) and (b) above for such person, together with the converted policy, would result in over insurance according to the insurer's standards relating to policies converted from group policies. A converted policy made available pursuant hereto shall comply with section 2 of this Act if delivery of such converted policy is to be made in this state; and, if delivery of such converted policy is to be made elsewhere, it may be on such form as the insurer may then be offering for such conversion in the jurisdiction where such delivery is to be made and which provides substantially in compliance with that required by section 2 of this Act.

(4) In the event coverage would be continued under the group policy on a person or member following his retirement prior to the time he is or could be covered by Medicare, he may elect, in lieu of such continuation of group insurance, to have the same conversion rights as would apply had his insurance terminated at retirement by reason of termination of employment.

(5) The conversion privilege shall also be available: (a) to the surviving spouse, at the death of the person or member, with respect to the spouse and such children whose coverage under the group policy terminates by reason of the death of the person or member and (b) to a child solely with respect to himself upon termination of his coverage by reason of operation of the limiting age of coverage under the group policy while covered as a dependent thereunder.

(6) This section shall not apply to group major medical expense insurance which supplements basic hospital, medical and surgical coverage under one or more group policies, group contracts or group remittance contracts from which a converted policy or a continuation of coverage is available providing benefits equivalent to the minimum benefits for a converted policy under this section.

(7) If a person or member becomes entitled to obtain a converted policy pursuant to the foregoing provisions, and if such person or member has not been given written notice of the existence of the conversion privilege stated above, within 31 days of termination of the group coverage, then in such event the person or member shall have an additional period within which to exercise the conversion privilege. This additional period shall expire 15 days after the person or member shall have been given said notice but in no event shall the additional period extend beyond 60 days after the expiration of the 31-day conversion period stated above. Written notice presented to the person or member or mailed by the policyholder to the last known address of the person or member or mailed by the insurer to the last known address of the person or member as furnished by the policyholder shall constitute the giving of notice for the purpose of this paragraph. If an additional period is allowed the person or member for exercise of the conversion privilege as provided herein, and if written application for the converted policy, accompanied by the first quarterly or semiannual or annual premium, is made after the expiration of the 31-day conversion period stated above, but within the additional period allowed an employe or member in accordance with this paragraph, the effective date of the converted policy shall be the date of termination from the group.

Section 2. A new section of Subtitle 18 of KRS Chapter 304 is created to read as follows:

(1) A converted policy issued pursuant to the conversion privilege contained in a group policy providing hospital or surgical expense insurance shall provide on an expense incurred basis, the following minimum benefits:

(a) Hospital room and board benefits of twenty-five dollars per day, for a minimum duration of seventy days for any one period of hospital confinement as defined in the converted policy.

(b) Miscellaneous hospital expense benefits for any one period of hospital confinement in a minimum amount up to twenty times the hospital room and board daily benefit provided under the converted policy.

(c) Surgical operation expense benefits according to a relative value schedule, or a minimum of $250.

(2) The relative values in the surgical schedule shall be consistent with the Schedule of Operations generally offered by the insurer under group or individual health insurance policies. In the event that the insurer and the group policyholder agree upon one or more additional plans of benefits to be available for converted policies, the applicant for the converted policy may, at his option, elect such a plan in lieu of a converted policy providing the benefits of (a), (b) and (c) in subsection (1). In no event shall the benefits be less than the minimums set forth in subsection (1) of this section.

(3) In no event need the insurer provide under the converted policy: (a) benefits on account of pregnancy, childbirth, miscarriage, abortion. or complications of any thereof, (b) the benefits of (a) and (b) of subsection (1) above, unless the group policy from which conversion is made provided hospital expense insurance benefits, or (c) the benefits of (c) of subsection (1) above, unless the group policy provided surgical expense insurance benefits. Furthermore, the converted policy may contain any exclusion, reduction, or limitation contained in the group policy and any exclusion, reduction or limitation customarily used in individual policies issued by the insurer. With respect to any person who was covered by the group policy, the period specified in the Time Limit on Certain Defenses of the Incontestable provision of the converted policy shall commence with the date the insurance on such person or member became effective under the group policy.

(4) The converted policy may provide that any hospital, surgical, or medical expense benefits otherwise payable thereunder with respect to any person covered thereunder may be reduced by the amount of any such benefits payable under the group policy for the same loss with respect to such person after termination of such person's coverage thereunder. The insurer shall not be entitled to use deterioration of health as the basis for refusing to renew a converted policy. The converted policy may provide for termination of coverage thereunder on any person when he is or could be covered by Medicare (Title XVIII of the United States Social Security Act as added by the Social Security Amendments of 1965 or as later amended or superseded).

(5) A converted policy may include a provision whereby the insurer may request information in advance of any premium due date of such policy of any person covered thereunder as to whether (a) he is covered for similar benefits by another hospital, surgical or medical expense insurance policy or hospital or medical service subscriber contract or medical practice or other prepayment plan or by any other plan or program or (b) similar benefits are provided for, or available to, such person pursuant to, or in accordance with the requirements of, any statute. If any such person is so covered or such statutory benefits are provided or available, and such person fails to furnish the insurer the details of such coverage within thirty-one days after the date of such request, the benefits payable under the converted policy may be based on the hospital or surgical or medical expenses actually incurred after excluding expenses to the extent of the amount of benefits provided or available therefor from any of the sources referred to in (a) and (b) above. A converted policy may contain any provisions permitted herein and may also include any other provisions not expressly

prohibited by law; and any provision required to be permitted herein may be made a part of any such policy by means of an endorsement or rider.

Section 3. KRS 304.32-270 is amended to read as follows:

Nonprofit hospital, medical-surgical, dental and health service corporations are subject to the provisions of this subtitle, and to the following provisions of this code, to the extent applicable and not in conflict with the express provisions of this subtitle:

(1) Subtitle 1--Scope of Code;
(2) Subtitle 2--The Insurance Commissioner;
(3) Subtitle 7--Investments;
(4) Subtitle 8--Administration of Deposits;
(5) Subtitle 12--Trade Practices and Frauds;
(6) Subtitle 25--Continuity of Management; [and]
(7) Subtitle 33--Rehabilitation and Liquidation*; and* [.]
(8) Subtitle 18--The two sections of this Act--Group Conversion.

Section 4. The effective date of this Act shall be January 1, 1975.

The Committee on Business Organizations and Professions reported **HB 599** and **SB 146** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 599, AN ACT relating to termination of assumed business names.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 365 is created to read as follows:

(1) Any person as defined in KRS 365.010 who has filed with the Secretary of State or with the office of any county clerk certificates required under KRS 365.010, and who ceases to carry on, conduct or transact business under an assumed name within the state shall file a certificate of termination in each office in which such person filed a certificate required under KRS 365.010. Certificates of termination shall be filed within ninety (90) days from the date such person ceases to carry on business under an assumed name.

(2) A certificate of termination shall set forth the name under which the business was being conducted, the name and post office address of the person conducting such business, and the date the business ceased to be conducted under an assumed name. The certificates shall be executed in the manner required by KRS 365.010 for the execution of the certificates described therein.

(3) The Secretary of State and each county clerk shall receive a fee of one dollar ($1) for filing each certificate of termination.

Section 2. KRS 365.990 is amended to read as follows:

(1) Any person who violates any of the provisions of *this act* [subsection (1) of KRS 365.010] shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned for not less than ten days nor more than thirty days, or both, and each day that the violation continues shall constitute a separate offense.

(2) Any person who violates any of the provisions of KRS 365.020 to 365.050 shall, for each offense, be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned for not more than six months, or both. Any person who, as agent of any person or as director, officer or agent of any corporation assists or aids in a violation of any of such provisions by the person or corporation for which he is director, officer or agent, shall be responsible therefor equally with such person or corporation, and in a prosecution brought against him under this subsection it shall be sufficient to allege and prove the unlawful intent of the person or corporation for whom he acts.

(3) Any person who violates any of the provisions of KRS 365.100 shall be fined not less than two hundred dollars for each offense.

(4) Any person who violates any of the provisions of KRS 365.110 shall be fined not less than ten dollars nor more than fifty dollars for each offense.

(5) Any agent or employe of a corporation or any other person who violates any of the provisions of subsection (2) of KRS 365.220 shall be fined not less than one hundred dollars nor more than one thousand dollars for each offense, and each day's continuance of the violation shall constitute a separate offense.

(6) A conviction of a corporation of violating any of the provisions of KRS 365.210 or 365.220 shall operate to forfeit its charter or right to do business in this state. Proceedings may be instituted by the Commonwealth's attorney in any district in this state to forfeit the charter or right to do business in this state

of any corporation violating any of the provisions of KRS 365.210 or 365.220, and to subject the corporation charged, if found guilty, to the penalty imposed in subsection (7) of this section.

(7) Any company that violates any of the provisions of KRS 365.230 shall be fined not less than one hundred dollars nor more than one thousand dollars, and if it is a corporation it shall, upon conviction, forfeit its charter.

(8) Any person who violates any of the provisions of KRS 365.240 shall, for each offense, be fined not less than two hundred dollars nor more than one thousand dollars, or imprisoned for not less than three months nor more than one year, or both.

(9) Failure to maintain the register or to make the report to the sheriff as required by KRS 365.250 shall be a misdemeanor punishable by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both, and shall be prima facie evidence that such dealer, collector or vendor received the used copper wire or cable not registered or reported, knowing it to be stolen in violation of KRS 433.290.

SB 146, AN ACT relating to engineers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 322.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Board" means the State Board of Registration for Professional Engineers and Land Surveyors.

(2) "ECPD" means Engineer's Council for Professional Development.

(3) "Engineer" means a person who is qualified by reason of his knowledge of mathematics, the physical sciences and the principles of engineering, acquired by professional education and practical experience, to engage in the practice of professional engineering.

(4) "Engineering" includes any *service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the use of land and waters, and the review of construction for the purpose of assuring compliance with drawings and specifications; any of which embraces such service or work either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems or projects* [professional services, such as consultation, investigation, evaluation, planning, design, or responsible supervision of construction or operation, in connection with any public or private utility, structure, machine, equipment, process, work or project] with which the public welfare or the safeguarding of life, health or property is concerned, when such professional service requires the application of engineering principles and data. It does not include the work ordinarily performed by persons who operate or maintain machinery or equipment, such as locomotive, stationary, marine or power plant operators, nor work embraced within the practice of land surveying.

(5) "Practice of engineering" includes all professional services included in subsection (4), together with the negotiation or solicitation for engineering work on any project in this state, regardless of whether the persons engaged in that practice are residents of this state or have their principal office or place of business in this state or any other state or country, and regardless of whether they are performing one or all of these duties, or whether they are performing them in person or as the directing heads of offices or organizations.

(6) "Land surveying" means and includes any services requiring the determination of the location of land boundaries and land boundary corners and incidental topography; the preparation of maps showing the shape and area of tracts of land and their subdivision into smaller tracts; the preparation of maps showing the layout of roads, streets and rights-of-way; and the preparation of official maps or plats of land within this state.

(7) "Land surveyor" means and includes any person engaged in the practice of land surveying as herein defined, and shall include any public offer, or the holding out by any person to the public, to engage in the practice of land surveying.

(8) "Practice of land surveying" or "offer to practice" shall include performance of any act or acts directly related to land surveying, or any claim, oral or written, sign, letterhead, professional card, or other representation, on the part of any person representing himself to be a land surveyor or who holds himself out to the general public as possessing the ability and qualifications to perform land surveying within the terms of KRS 322.010, 322.200, 322.230 to 322.250, 322.410 to 322.460.

The Committee on Education reported **SB 127, SB 247, SB 250, SB 252,** and **HB 659** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for

the first time and ordered placed in the Calendar.

SB 127, AN ACT relating to policies of district boards of education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 160.340 is amended to read as follows:

(1) Each board of education shall, on the forms prepared by the superintendent of public instruction and approved by the state board of education, prepare and submit to the state board of education reports on all phases of its school service. Each board may prepare and publish for the information of the public a report on the progress of its schools.

(2) Each board of education shall file in the board's office its policies relating to the following matters:

(a) Transportation of pupils;

(b) Discipline and conduct of pupils;

(c) Limitations or restrictions on use of school facilities;

(d) Conduct of meetings of the board of education, including policies on the calling of executive sessions;

(e) Personnel policies that apply to certified employees, including fringe benefits, salary schedules, non-classroom duties, in-service training, teacher-student load, hiring, assignment, transfer, dismissal, suspension, reinstatement, promotion and demotion.

(f) Evaluation of certified employees;

(g) Selection of textbooks and instructional materials; and

(h) Expenditure and accounting for school funds, including all special funds.

It is intended that these policies shall cover matters within the authority and discretion of the district board of education and not matters otherwise required by law or regulation. Such policies shall be filed in the board's office by August 15, 1974, shall be kept up to date by filing annual amendments thereto each August 15 thereafter and shall be public records.

SB 247, AN ACT relating to the Foundation Program.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 157.360 is amended to read as follows:

(1) In determining the cost of the foundation program for each district, the Superintendent of Public Instruction shall allot to each district classroom units for elementary and secondary schools, classroom units for vocational education, classroom units for special instructional services for exceptional children, classroom units for superintendents, principals and their certificated assistants and special instructional service personnel, classroom units for supervisors of instruction, and classroom units for directors of pupil personnel; provided, however, that the number of classroom units allotted any district shall not exceed the number of teachers employed by the district.

(2) In allotting classroom units for elementary and secondary schools, one classroom unit shall be included for each twenty-seven pupils in average daily attendance; provided, however, that one classroom unit shall be included for each isolated one-teacher school and one unit shall be included for each twenty-five pupils in average daily attendance at all other isolated schools.

(3) Under the provisions of subsections (6) and (7) of this section, the average daily attendance, as defined in KRS 157.320 (1), shall be deducted for pupils enrolled in new classroom units allotted after July 1, 1974; provided, however, no deduction shall be made for pupils attending State Vocational-Technical schools or state-operated Vocational Education Centers. For the purpose of this subsection, a new classroom unit shall be defined as any additional vocational or exceptional children unit contained in the biennial budget for 1974-75 above the allotment from the previous biennial budget for 1973-74. Any average daily attendance deducted under this subsection shall be in accordance with regulations of the State Board of Education as recommended by the Superintendent of Public Instruction.

(4)[(3)] Allotments of classroom units in accordance with subsection (1) of this section shall be made on the average daily attendance for the previous school year; provided, however, that if the average daily attendance in any district for the first two months of the current school year is greater than the average daily

attendance of the district for the first two months of the previous school year, upon application of the district board, made prior to December 1, the total number of classroom units allotted the district shall be increased by the percent of increase. [except for districts participating in a year-round school program as defined in subsection (15) of KRS 157.320. For districts participating in a year-round school program approved by the State Board of Education, upon the recommendation of the Superintendent of Public Instruction, the total number of classroom units allotted the district shall be increased by the average percentage of gain in the first two months' attendance during the three years immediately prior to participating in a year-round school program. In the event that a district participating in an approved year-round school program experiences a financial emergency due to unanticipated growth, the State Board of Education, upon the recommendations of the State Superintendent of Public Instruction, may adopt regulations which will insure that the district will share equitably in foundation program funds for that school year. In the event that a district participating in an approved year-round school program experiences a reduction in pupils, the State Board of Education, upon the recommendation of the Superintendent of Public Instruction, may adopt regulations which will equitably reduce the district's foundation program allotment.] If the average daily attendance of any district shall have been reduced more than three percent during the previous school year due to such factors as epidemics, inclement weather, or disaster, upon application of the district superintendent, made before July 1 of that year, the number of classroom units allotted the district for the ensuing school year shall be increased by the difference in percent between the ratio of the average daily attendance to the average daily membership for the scholastic year just ended, and the ratio of the average daily attendance to the average daily membership for the two highest of the three preceding scholastic years.

(5)[(4)] In allotting classroom units for vocational education, one classroom unit shall be allotted for each full-time teacher, and a proportionate fraction of a classroom unit shall be allotted for each less than full-time teacher of vocational classes that meet the regulations of the State Plan of Vocational Education as approved by the State Board of Education; a proportionate fraction of a classroom unit shall be allotted for each teacher employed to teach evening, part-time, or short unit classes for less than a school day or a school year that meet the regulations of the State Plan of Vocational Education as approved by the State Board of Education.

(6)[(5)] In allotting classroom units for special instructional services for exceptional children, one classroom unit shall be included upon the employment of each teacher approved to teach such children in accordance with the provisions of law and regulations of the State Board of Education.

(7)[(6)] In allotting classroom units for superintendents, principals, their certificated assistants, and special instructional service personnel, the total number of classroom units allotted in subsections (2), *(5)*[(4)], and *(6)*[(5)] shall be divided by eight and the quotient shall be the number of classroom units allotted to the district for superintendents, principals, their certificated assistants and such special instructional service personnel as are authorized by regulations of the State Board of Education.

(8)[(7)] In allotting classroom units for supervisors of instruction, one-half of a classroom unit shall be allotted each district which is allotted twenty-five through forty-nine classroom units under subsections (2), *(5)* [(4)], and *(6)*[(5)]; one unit shall be allotted each district which is allotted fifty to one hundred classroom units, one unit shall be allotted for each one hundred classroom units, or major fraction thereof, in districts allotted more than one hundred classroom units under these subsections.

(9)[(8)] In allotting classroom units for directors of pupil personnel, one classroom unit shall be allotted each district which is allotted thirty-six to one hundred and sixty-six classroom units under subsection (2) and a unit for each additional two hundred and sixty-six classroom units or fraction thereof allotted under subsection (2). For districts having fewer than thirty-six classroom units, a proportionate fraction of a classroom unit shall be allotted.

(10)[(9)] In allotting classroom units for kindergarten, the Superintendent of Public Instruction, under regulations of the State Board of Education, may allot units for kindergarten.

(11)[(10)] In allotting classroom units under subsection (1) through *(10)* [(9)] the Superintendent of Public Instruction, under regulations of the State Board of Education, may allot units on the basis of an area larger than a district for educational services which cannot be adequately and economically provided on a district basis.

Section 2. KRS 157.370 is amended to read as follows:

(1) In determining the cost of the foundation program for each district, the Superintendent of Public Instruction shall determine the average cost per pupil per day of transporting pupils in districts having a similar density of transported pupils per square mile of area served by not less than nine different density groups.

(2) The annual cost of transportation shall include all current costs for each district plus annual depreciation of pupil transportation vehicles calculated in accordance with the regulations of the State Board of Education for such districts that operate district-owned vehicles.

(3) The aggregate and average daily attendance of transported pupils shall include all public school pupils transported at public expense who live one mile or more from school, provided that handicapped

children may be included who live less than this distance from school. The aggregate and average daily attendance referred to in this subsection shall be the aggregate and average daily attendance of transported pupils the prior year adjusted for current year increases in accordance with State Board of Education regulations.

(4) The square miles of area served by transportation shall be determined by subtracting from the total area in square miles of the district the area not served by transportation, determined in accordance with the regulations of the State Board of Education provided that if one district authorizes another district to provide transportation for a part of its area, such area served shall be deducted from the area served by that district and added to the area served by the district providing the transportation.

(5) The density of transported pupils per square mile of area served for each district shall be determined by dividing the average daily attendance of transported pupils by the number of square miles of area served by transportation.

(6) The Superintendent of Public Instruction shall determine the average cost per pupil per day of transporting pupils in districts having a similar density by constructing a smoothed graph of cost for all density groups as provided in subsection (1). This graph shall be used to construct a scale showing the average costs of transportation for districts having a similar density of transported pupils. Such costs shall be determined separately for county school districts and independent school districts, provided that no independent school district will receive an average cost per pupil per day in excess of the minimum received by any county district or districts. These costs shall be the costs per pupil per day of transported pupils included in the Foundation Program and such costs shall be recalculated each biennium.

(7) The scale of transportation costs included in the Foundation Program for county and independent districts is determined in accordance with the provisions of KRS 157.310 to 157.440 for the biennium beginning July 1, 1960.

(8) This section applies to those districts participating in a year-round school program. In calculating the tentative graph adjusted pupil transportation program cost for the district, the graph adjusted cost per pupil per day shall be calculated for the entire school year on the same basis provided in subsection (1) through (7) of this section. However, in determining the total days' attendance to be multiplied by the cost per pupil per day, the average daily attendance for transportation as determined in accordance with the provisions of subsection (3) of this section for the most recent prior school year shall be increased by the average percentage increase in average daily attendance for transportation as shown in the district's tentative pupil transportation cost calculation for the three years immediately prior to the district's engaging in a year-round school program.

(9) For a district participating in a year-round school program, in determining the amount to be added to the district's tentative pupil transportation program cost for growth, the district's tentative pupil transportation program cost calculation for each school year shall be multiplied by the average percentage of growth in average daily attendance for transportation as determined in accordance with the provisions of subsection (3) of this section for the three years immediately prior to the district's engaging in the year-round school program.

(10) The cost of transporting a district's pupils from the parent school to a State Vocational-Technical School or to a Vocational Educational Center shall be calculated separately from the calculation required by sections (1) through (9) of this statute. The amount calculated shall be paid separately to each district from Minimum Foundation Program Funds budgeted for vocational pupil transportation, as a reimbursement based on the district's cost for providing this service. The amount of reimbursement shall be calculated in accordance with State Board of Education regulations. In the event that the appropriation for vocational pupil transportation in the biennial budget is insufficient to meet the total calculated cost of this service for all districts, the amount paid to each district shall be ratably reduced. For the purpose of this subsection, the parent school shall be interpreted to mean that school in which the pupil is officially enrolled in a district's public common school system.

(11) The State Board of Education, by regulation, shall determine the type of handicapped pupil that qualifies for special type transportation to and from school. Those qualified pupils for which the district provides special type transportation shall have their aggregate days attendance multiplied by 5.0 and added to that part of the district's aggregate days attendance that is multiplied by the district's adjusted cost per pupil per day in determining the district's pupil transportation program cost for allotment purposes.

Section 3. KRS 157.400 is amended to read as follows:

(1) The amount of money distributable to each district from the public school foundation program fund shall be determined by subtracting the required local tax effort from the total foundation program allotment for the district as determined in KRS 157.390.

(2) (a) If it shall be determined in subsection (1) of this section that the amount of money distributable to a school district for the school year *1974-75* [1972-73] shall be less than *$300* [$263] per pupil in average daily attendance and, beginning in the *1975-76* [1973-74] school year, that the amount of money distributable to a school district shall be less than *$327* [$280] per pupil in average daily attendance, then the

apportionment for that district shall be increased to *$300* [$263] per pupil in average daily attendance in *1974-75* [1972-73] beginning in the *1975-76* [1973-74] school year the apportionment for that district shall be increased to *$327* [$280] per pupil in average daily attendance; provided, however, if a district fails to provide the total potential classroom units under subsections (2), *(7)*[(6)], *(8)*[(7)] and *(9)*[(8)] of KRS 157.360 and at least as many classroom units under subsections *(5)*[(4)]and *(6)*[(5)] of KRS 157.360 as were provided in each of these subsections in 1955-56, any increase in the apportionment called for in this subsection shall be reduced to the extent that the district fails to provide the classroom units.

(b) The average daily attendance referred to in this subsection shall be the prior year average daily attendance of the district adjusted proportionally for any increase in classroom units allotted the district under provisions of subsection *(4)*[(3)] of KRS 157.360.

(c) The classroom unit requirement under this subsection relating to classroom units under subsections *(5)*[(4)] and *(6)*[(5)] of KRS 157.360 may be waived for any district by the Superintendent of Public Instruction when it is shown that the need for these educational services no longer exists.

(3) In the event a district whose appropriation is increased under subsection (2) of this section is allotted classroom units under subsections *(5)*[(4)] and *(6)*[(5)] of KRS 157.360 in excess of the number of such units allotted that district in 1955-56, then the allotment to that district determined in subsection (2) of this section shall be increased by the foundation program cost of these units determined in accordance with subsections (2), *(4)*[(3)] and *(5)*[(4)] of KRS 157.390.

(4) If the allotment to a school district as determined in subsections (2) and *(4)*[(3)] of this section is an amount less than the allotment per pupil in average daily attendance during the next immediately preceding fiscal year, then the allotment shall be increased by an amount necessary to provide a per pupil average daily attendance allotment equal to the per pupil average daily attendance allotment for the next immediately preceding year; provided, however, if a district fails to provide the total potential classroom units under subsections (2), *(7)*[(6)], *(8)*[(7)], and *(9)*[(8)] of KRS 157.360 and at least as many classroom units under subsection *(5)*[(4)] or *(6)*[(5)] of KRS 157.360 as were provided in 1955-56, any increase in the apportionment called for in this subsection shall be reduced to the extent that the district fails to provide the classroom units.

(5) So much of the public school foundation program fund which would not be distributed under subsections (1) through (5), inclusive, of this section, due to the failure of one or more participating districts to meet the full requirement, shall be held in the account for distribution the following year among districts which meet the requirements for participation.

SB 250, AN ACT relating to demotion procedures for administrative personnel in public elementary and secondary schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 161.720 is amended to read as follows:

(1) The term "teacher" for the purpose of KRS 161.720 to 161.810 shall mean any person for whom certification is required as a basis of employment in the public schools of the state with the exception of the superintendent.

(2) The term "year" as applied to terms of service means actual service of not less than seven (7) school months within a school year; Provided, however, That any board of education may grant a leave of absence for professional advancement with full credit for service.

(3) The term "limited contract" shall mean a contract for the employment of a teacher for a term of one (1) year only or for that portion of the school year that remains at the time of employment.

(4) The term "continuing service contract" shall mean a contract for the employment of a teacher which shall remain in full force and effect until the teacher resigns or retires, or reaches the age of 65, or until it is terminated or suspended as provided in KRS 161.790 and 161.800.

(5) The term "continuing status" means employment of a teacher under a continuing contract.

(6) The term "standard" or "college" certificate for the purpose of KRS 161.720 to 161.810 shall mean any certificate issued upon the basis of graduation from a standard four (4) year college.

(7) The term "superintendent" for the purpose of this Act shall mean the school officer appointed by a board of education under the authority of KRS 160.350 or any person authorized by law to perform the duties of that officer.

(8) The term "administrator" for the purpose of this Act shall mean a certified employe, below the rank of superintendent, who devotes the majority of his employed time to service as a principal, assistant principal, supervisor, coordinator, director, assistant director, administrative assistant, finance officer, pupil personnel worker, guidance counselor, or school business administrator, or who holds a position in which he

evaluates or supervises board employes or recommends personnel for employment or discharge. The term "administrator" shall also include those assistant, associate or deputy superintendent who do not fall within the definition of "superintendent" as set forth in KRS 161.720 (7).

(9) The terms "demote" or "demotion" for the purpose of this Act shall mean a reduction in rank from one position on the school district salary schedule to a different position on that schedule for which a lower salary is paid. The terms shall not include lateral transfers to positions of similar rank and pay or minor alterations in pay increments required by the salary schedule.

Section 2. A new section of KRS Chapter 161 is created to read as follows:

(1) A local board of education may demote an administrator who has not completed three years of administrative service, not including leave granted under KRS 161.770, by approving the superintendent's recommendation for demotion and by complying with the requirements of KRS 161.760.

(2) An administrator who has completed three years of administrative service, not including leave granted under KRS 161.770, cannot be demoted unless and until the following procedures have been complied with:

(a) If the superintendent recommends to the board of education that an administrator be demoted, the board shall note the recommendation and take no action. Within five days of receipt of the recommendation, the board shall give written notice of the recommendation to the administrator. If the administrator wishes to contest the recommended demotion, he shall, within ten days of receipt of the board's notice, file a written statement of such intent to contest with the superintendent. If the administrator does not make timely filing of his statement of intent to contest, the board may take action on the superintendent's recommendation and such action shall be final.

(b) Upon receipt of the notice of intent to contest the demotion, a written statement of grounds for demotion, signed by the superintendent and board chairman, shall be served on the administrator. Said statement shall contain:

(i) a specific and complete statement of grounds upon which the proposed demotion is based, including, where appropriate, dates, times, names, places and circumstances;

(ii) the date, time and place for a hearing, said date to be not less than twenty nor more than thirty days from the date of service of the statement of grounds for demotion upon the administrator.

(c) Upon receipt of the statement of grounds for demotion the administrator shall, within ten days, file a written answer. Failure to file such answer, within the state period, will relieve the board of any further obligation to hold a hearing and it may than act on the superintendent's recommendation for demotion. The board shall issue such subpoenas as are requested.

(d) The hearing on the demotion shall be public or private, at the discretion of the administrator and shall be limited to the matters set forth in the written statement of grounds for demotion. The board shall provide to the administrator a verbatim transcript of the hearing. The board of education shall hear the case, with the board chairman presiding. The board, upon hearing the evidence and argument presented, shall retire to private chambers to arrive at a decision. Counsel or representatives for either party in the hearing shall not be consulted by the board unless the corresponding counsel or representatives for the other party are present and unless a verbatim transcript of such consultation is made for the record.

(e) Within five days from the close of the hearing, the board of education shall advise the parties of its decision and shall take official action in the case.

(f) Appeal from final board action may be taken in the same manner and under the same provisions as an appeal from board action under KRS 161.790.

SB 252, AN ACT relating to sick leave for teachers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 161.155 is amended to read as follows:

(1) For the purpose of this section, "teacher" shall mean any person for whom certification is required as a basis of employment in the common schools of the state.

(2) Each district board of education shall allow to each teacher in its common school system not less than ten (10) days' sick leave during each school year, without deduction of salary. Sick leave shall be granted to a teacher if he presents a personal affidavit or a certificate of a reputable physician stating that the teacher, or a member of his immediate family was ill on the day or days absent. The ten (10) days of sick leave herein granted may be taken by a teacher on any ten (10) days of the school year and shall be granted in addition to accumulated sick leave days that have been credited to the teacher under the provisions of subsection (3) of this section.

(3) Days of sick leave not taken by a teacher during any school year shall accumulate *without limitation* and be credited to that teacher. Accumulated sick leave may be taken in any school year [or years, except that no teacher shall be entitled to take more than sixty (60) days of accumulated sick leave unless the district board of education authorizes a greater number of days to be accumulated.] Any district board of education may, in its discretion, allow teachers in its common school system sick leave in excess of the number of days prescribed in this section.

HB 659, AN ACT relating to weight limits for transporters of industrial materials.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 350.060 is amended to read as follows:

(1) No operator shall engage in strip mining without having first obtained from the department through the division a permit designating the area of land affected by the operation. The permit shall authorize the operator to engage in strip mining upon the area of land described in his application for a period of one year from the date of its issuance;

(2) An operator desiring a permit shall file an application which shall state:

(a) The location and area of land to be affected by the operation, with a description of access to the area from the nearest public highways;

(b) The owner or owners of the surface of the area of land to be affected by the permit and the owner or owners of all surface area within five hundred (500) feet of any part of the affected area;

(c) The owner or owners of the coal, to be mined;

(d) The source of the applicant's legal right to mine the coal on the land affected by the permit;

(e) The permanent and temporary post office addresses of the applicant;

(f) Whether the applicant or any person, partnership or corporation associated with the applicant holds or has held any other permits under this chapter, and an identification of such permits;

(g) Whether or not the applicant is in compliance with subsection (3) of KRS 350.130 and whether or not every officer, partner, director or any individual owning of record or beneficially (alone or with associates) if known, ten percent (10%) or more of any class of stock of the applicant, is subject to any of the provisions of subsection (3) of KRS 350.130 and he shall so certify;

(3) The application for a permit shall be accompanied by two copies of a United States geological survey topographic map on which the operator has indicated the location of the operation, the course which would be taken by drainage from the operation to the stream or streams to which such drainage would normally flow, the name of the applicant and date, and the name of the person who located the operation on the map;

(4) The application for a permit shall be accompanied by two copies of an enlarged United States geological survey topographic map meeting the requirements of the subsections below. The map shall:

(a) Be prepared and certified by a professional engineer, registered under the provisions of KRS chapter 322. The certification shall be in the form as provided in subsection (5) below;

(b) Identify the area to correspond with the application;

(c) Show adjacent deep mining and the boundaries of surface properties and names of owners on the affected area and within five hundred (500) feet of any part of the affected area;

(d) Be of a scale of not less than four hundred (400) feet to the inch and not to exceed six hundred and sixty (660) feet to the inch;

(e) Show the names and locations of all streams, creeks, or other bodies of public water, roads, buildings, cemeteries, oil and gas wells, and utility lines on the area of land affected and within five hundred (500) feet of such area;

(f) Show by appropriate markings the boundaries of the area of land affected, the cropline of the seam or deposit of coal to be mined, and the total number of acres involved in the area of land affected;

(g) Show the date on which the map was prepared, the north point and the quadrangle name;

(h) Show the drainage plan on and away from the area of land affected. Such plan shall indicate the directional flow of water, constructed drainways, natural waterways used for drainage, and the streams or tributaries receiving the discharge;

(5) The certification of the maps by the professional engineer shall read as follows: "I, the undersigned, hereby certify that this map is correct, and shows to the best of my knowledge and belief all the information required by the strip mining laws of this state." The certification shall be signed and notarized. The division may reject any map as incomplete if its accuracy is not so attested;

(6) The application for a permit shall be accompanied by a transportation plan which shall set forth the portions of the State Primary Road System, if any, over which the applicant proposes to transport minerals extracted in the mining operation. The transportation plan shall specify the legal weight limits for each portion of any such highway or bridge over which the applicant proposes to transport minerals. The transportation plan shall include any proposal by the applicant to obtain a special permit pursuant to the provisions of Section 4 of this Act to exceed the weight limits on any highway or bridge. The transportation plan shall contain a certification by a duly authorized official of the Department of Transportation attesting the accuracy of the transportation plan in regard to the locations and identities of highways and bridges on the State Primary Road System and the accuracy of the specifications of weight limits on such highways and bridges.

(7) [(6)] In addition to the information and maps required above, each application for a permit shall be accompanied by detailed plans or proposals showing the method of operation, the manner, time and distance for backfilling, grading work and a reclamation plan for the affected area, which proposals shall meet the requirements of this chapter and rules and regulations adopted pursuant thereto;

(8) [(7)] A basic fee of one hundred and fifty dollars ($150) plus thirty-five dollars ($35.00) for each acre or fraction thereof of the area of land to be affected by the operation shall be paid before the permit required herein shall be issued. The operator shall file with the division a bond payable to the commonwealth of Kentucky with surety satisfactory to the division in the penal sum to be determined by the department on the recommendation of the director of not less than two hundred dollars ($200) nor more than one thousand dollars ($1,000) for each acre or fraction thereof of the area of land affected, with a minimum bond of two thousand dollars ($2,000), conditioned upon the faithful performance of the requirements set forth in this chapter and of the rules and regulations of the department. In determining the amount of the bond within the above limits, the department shall take into consideration the character and nature of the overburden, the future suitable use of the land involved and the cost of backfilling, grading and reclamation to be required. In a particular instance where the circumstances are such as to warrant an exception, the department, in its discretion, may reduce the amount of the bond for a particular operation to less than the required minimum.

Section 2. KRS 351.175 is amended to read as follows:

(1) Within forty-five days after January 1, 1953, and of each year thereafter, the owner, operator, or lessee of each mine shall procure from the department a license to operate such a mine, and such license shall not be transferable. Any owner, operator, or lessee who assumes control of a mine, opens a new mine or re-opens an abandoned mine during any calendar year shall procure such license before mining operations are begun.

(2) The license shall be in such printed form as the commissioner may prescribe and when issued shall be kept posted at a conspicuous place near the main entrance of the mine.

(3) Requests for such license shall be made to the department and such requests shall be accompanied by a U. S. postal money order or cashier's check drawn in favor of the State Treasurer in the amount of twenty-five dollars for each mine. When the annual report of the operator and the annual mine map, as required by KRS 351.170 and 352.450, together with a certification from the Commissioner of Labor that the applicant, except an applicant for a mine license who employs fewer than ten employes, for license has presented positive proof of compliance with the provisions of KRS Chapter 342, are properly submitted to the department, the license shall be issued. The commissioner or his accredited agents shall have the authority to extend the time for filing of the map not to exceed an additional forty-five days. Upon receipt of withdrawal of the certification of the Commissioner of Labor the department shall forthwith revoke any license hereunder issued. Revocation of said license shall be an administrative function of the department. Appeal of said administrative function shall lie in the Fayette Circuit Court.

(4) Any owner, operator or lessee operating a mine and who fails to obtain his license as required by this section shall be guilty of a misdemeanor, and shall be subject to a fine of not less than one hundred dollars nor more than three hundred dollars at the discretion of the court. Each day the mine is operated without a license constitutes a separate offense. Jurisdiction for such offenses shall lie in the circuit court of the county in which the offense occurred.

(5) The mine inspector shall have the authority to stop production at the mine of any operator who fails to procure a license or fails to furnish a certification of compensation coverage as required under this section.

(6) The application for a license shall be accompanied by a transportation plan which shall set forth the portions of the State Primary Road System, if any, over which the applicant proposes to transport minerals extracted in the mining operation. The transportation plan shall specify the legal weight limits for each portion of any such highway or bridge over which the applicant proposes to transport minerals. The transportation plan shall include any proposal by the applicant to obtain a special permit pursuant to the provisions of Section 4 of this Act to exceed the weight limits on any highway or bridge. The transportation plan shall contain a certification by a duly authorized official of the Department of Transportation attesting the accuracy of the transportation plan in regard to the locations and identities of highways and bridges on the

State Primary Road System and the accuracy of the specifications of weight limits on such highways and bridges.

Section 3. A new section of KRS Chapter 189 is created to read as follows:

The Franklin Circuit Court shall have concurrent venue and jurisdiction with the Courts of this Commonwealth of all prosecutions for violations of the weight provisions of KRS 189.221, 189.222, 189.226, 189.230, 189.270 and Section 4 of this Act.

Section 4. A new section of KRS Chapter 189 is created to read as follows:

(1) Notwithstanding any other provision of laws, the Department of Transportation may issue special permits to the owners, operators or lessees of motor vehicles for the purpose of hauling industrial materials whose gross weight, including vehicle and load, exceeds the limits prescribed by this chapter or which in other respects fail to comply with the requirements of this chapter. A separate permit shall be required for each vehicle. Such permits shall be issued for specified materials only and shall designate the portions of the State Primary Road System over which such vehicle may operate pursuant to the permit. Such permit shall be issued for a stated period of time not to exceed one year and shall be upon such terms and conditions as the department may, in its discretion, require in the public interest. The department shall require, as a condition to the issuance of the permit, that the applicant pay a reasonable fee, to be fixed by the department, and shall require that the applicant give bond, with approved surety, in an amount not to exceed $6,000 for each vehicle to indemnify the Commonwealth of Kentucky against damage to highways or bridges resulting from the operation of any motor vehicle under the authorization of such permit. The operation of any motor vehicle in accordance with the terms of any such permit shall not constitute a violation of this chapter, if the operator has the permit, or a copy of it, authenticated as the department may require, in his possession.

(2) The department shall not issue a permit under this Act for a vehicle whose gross weight, including vehicle and load, exceeds the maximum gross weight as provided in KRS 189.221(1), nor for any motor vehicle acquired by the applicant after the effective date of this Act.

(3) After the expiration of three years from the effective date of this Act, the department shall not issue a permit under this Act for a vehicle which does not comply with the axle weight and axle spacing requirements set forth in KRS 189.222(1)(c).

(4) No person shall operate a motor vehicle in violation of the terms and conditions of any permit issued by the department pursuant to this Act.

(5) As used in this Act, industrial materials shall mean all cargo, whether divisible or indivisible, which a motor vehicle transports in the usual and ordinary course of business and shall specifically include, but not be limited to, minerals or natural resources transported by a motor vehicle.

(6) The department is hereby empowered to:

(a) Exercise general supervision of the administering and enforcement of this Act.

(b) Adopt rules and regulations with respect to the issuance of a permit, including, but not limited to, rules and regulations concerning the duration of permits and weight limits for various types of vehicles, materials and highways.

(c) Adopt rules and regulations with respect to the amount, terms and conditions of the bond and the sufficiency of the surety of such bond required by this Act.

(d) Issue, continue in effect, revoke, modify or deny, under such conditions as the department may prescribe, permits provided for under this Act.

Section 5. KRS 189.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1), (2) and (5) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.290, 189.300 to 189.360, KRS 189.380, KRS 189.390, except paragraph (c) of subsection (4), KRS 189.400 to 189.430, 189.450 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, subsection (1) of KRS 189.560, KRS 189.570, to 189.630, except subsection (1) of KRS 189.580, shall be fined not less than $10.00 nor more than $100 for each offense. Any person who violates subsection (1) of KRS 189.580 shall be fined not less than $10.00 nor more than $2,000 or imprisoned in the county jail for not more than one (1) year, or both. Any person who violates paragraph (c) of subsection (4) of KRS 189.390 shall be fined not less than $1.00 nor more than $20.00. Neither court costs nor fees shall be taxed against any person convicted of violating paragraph (c) of subsection (4) of KRS 189.390.

(2) (a) Any person who violates the weight provisions of KRS 189.221, *189.222, 189.226, 189.230, 189.270 or Section 4 of this Act* [or subsection (1) of 189.222] shall, [be guilty of a misdemeanor, and] upon conviction, [thereof shall] be fined in an amount equal to two cents (2) per pound for each pound of excess load when the excess is 2,000 pounds or less, three cents (3) per pound when the excess exceeds 2,000 pounds and is 3,000 pounds or less, five cents (5) per pound when the excess exceeds 3,000 pounds and is 4,000 pounds or less, seven cents (7) per pound when the excess exceeds 4,000 pounds and is 5,000 pounds or less, and nine cents (9) per pound when the excess exceeds 5,000 pounds but in no case *shall the fine be less than $50.00* [to exceed $500].

(b) Any person who violates any provision of subsection (3) and (4) of KRS 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270, 189.280, or 189.490, for which another penalty is not specifically provided, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding $500.

(c) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to prejudice or affect the authority of the *Department of Transportation* [department of motor transportation] to suspend or revoke certificates of common carriers, permits of contract carriers, or driver's or chauffeurs' licenses, for any violation of KRS 189.221 to 189.228 or any other act applicable to motor vehicles, as provided by law.

(3) Any person who violates KRS 189.170 shall be fined not less than $5.00 nor more than $50 for each day he operates a truck in violation of KRS 189.170.

(4) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not more than $5.00.

(b) Any person who violates subsection (5) of KRS 189.190 shall be fined not less than $25.00 nor more than $200.

(5) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not less than $15.00 nor more than $100.

(b) Any peace officer who fails, when properly informed, to enforce KRS 189.210 shall be fined not less than $15.00 nor more than $100.

(c) All fines collected under this subsection, after payment of commissions to officers entitled thereto, shall go to the county road fund if the offense is committed in the county, or to the city street fund if committed in the city.

(6) Any person who violates subsection (1) of KRS 189.370 shall be fined not more than $500 or imprisoned for not more than six (6) months, or both.

(7) Any person who violates KRS 189.500 shall be fined not more than $5.00 in excess of the cost of the repair of the road.

(8) Any person who violates KRS 189.510 shall be fined not less than $10.00 nor more than $50.00.

(9) (a) Any person who violates subsection (2) of KRS 189.520 shall be fined, for the first offense, not less than $100 nor more than $500, and for each subsequent offense he shall be fined not less than $100 nor more than $500 and imprisoned for not more than six (6) months.

(b) Any peace officer who violates subsection (3) of KRS 189.520 shall be fined not less than $25.00 nor more than $100.

(10) Any person who violates KRS 189.530 shall be fined not less than $25.00 nor more than $100 or imprisoned not less than thirty (30) days nor more than twelve (12) months, or both.

(11) Any person who violates any of the provisions of KRS 189.550 shall be fined not less than $10.00 nor more than $100 for each offense.

(12) Any person who violates subsection (2) of KRS 189.560 shall be fined not less than $20.00 nor more than $100 for each offense.

(13) The fines imposed by paragraph (a) of subsection (4) and subsections (7) and (8) of this section shall, in the case of a public highway, be paid into the county road fund, and in case of a privately owned road or bridge be paid to the owner. These fines shall not bar an action for damages for breach of contract.

(14) Any person who violates any of the provisions of KRS 189.120 shall be fined not less than $10.00 nor more than $100 for each offense.

(15) Any person who violates any provision of KRS 189.575 shall, upon conviction thereof, be fined not exceeding $25.00.

(16) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than $10.00 nor more than $100 for each offense.

(17) (a) Any person who violates any of the provisions of KRS 189.565 shall be fined not less than $15.00 nor more than $200, or imprisoned for not more than thirty (30) days or both.

(b) In addition to the penalties prescribed in paragraph (a) of this subsection, in case of violation by any person in whose name such vehicle used in the transportation of inflammable liquids or explosives is licensed, such person shall be fined not less than $100 nor more than $500. Each violation shall constitute a separate offense.

(18) Any person who abandons a vehicle upon the right-of-way of a state highway for seven (7) consecutive days shall be fined not less than twenty-five (25) dollars nor more than one hundred (100) dollars or imprisoned for not less than ten (10) days nor more than thirty (30) days.

(19) Every person convicted for violation of KRS 189.393 shall be punished upon a first conviction by imprisonment for a period of not less than five days nor more than ninety days, or by fine of not less than $25 nor more than $500, or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than ten days nor more than six months, or by a fine of not less than $50 nor more than $1,000, or by both such fine and imprisonment.

The Committee Amendment to **HB 659** is as follows:

Amend printed copy of House Bill 659 page 8, lines 25 and 26, by striking out lines 25 and 26 in their entirety

And on page 10, lines 1 through 5, by striking out lines 1 through 5 in their entirety

and on page 9, line 6, by changing "Section 4." to "Section 3."

and on page 11, line 18, by changing "Section 5." to "Section 4."

and on page 12, line 16, by changing "*Section 4*" to "*Section 3*"

and on page 4, line 23, by changing "*Section 4*" to "*Section 3*"

and on page 8, line 17, by changing "*Section 4*" to "*Section 3*"

and on page 13, line 1, by inserting after "*$50.00*" the following words, "*nor more than $500*"

and on page 10, lines 13, 14 and 15, by deleting lines 13, 14 and 15 in their entirety and substituting therefor: "provided in KRS 189.222 (1)."

and on page 10, line 20, by striking out "(c)"

and on page 9, line 26, by striking out line 26 in its entirety and substituting therefor: "require that an applicant convicted under provisions of KRS 189.990 (2) (a) two or more times within a five-year period give bond, with approved"

and on page 16, following lines 26, by adding the following new section:

"Section 5. A new section of KRS Chapter 189 is created to read as follows:

Officers and employes of the department of transportation and bureau of state police who possess the powers of peace officers shall have the exclusive authority and duty to enforce vehicle weight laws of this Chapter on all state-maintained roads and bridges."

The Committee on Health and Welfare reported **HB 649, HB 760,** and **SB 274** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 649, AN ACT relating to the funeral expenses of certain veterans and providing a grant.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 40 is created to read as follows:
As used in this act the following terms have the following respective meanings, unless another meaning is clearly required by the context:
(1) "Bureau" means the Kentucky Bureau of Veterans Affairs;
(2) "Director" means the director of the Kentucky Bureau of Veterans Affairs;
(3) "Veteran" means a person who served in the active armed forces of the United States for a period of ninety (90) days or more (exclusive of time spent AWOL; or in penal confinement as a result of a sentence imposed by court martial), and who was released, separated or discharged from such service under conditions other than dishonorable;
(4) "Served in the active armed forces" includes active duty and any period of inactive duty training during which the individual concerned was disabled; and if a person in the active armed forces was released, separated or discharged therefrom by reason of disability incurred in line of duty before serving as much as ninety (90) days, the estate of such person shall be qualified for the grant provided by this act;
(5) "Armed forces" means the United States army, navy, marine corps, air force and coast guard, including the reserve components thereof on active duty;

(6) "Resident" means a legal resident as determined by generally established principles of law, as may be defined, and subject to proof, according to such regulations as the bureau may promulgate;

(7) "Qualified veteran" means a person answering to the specifications set forth in subsections (3) and (4), and who:

(a) Was a resident of the Commonwealth of Kentucky at the time of his death and for at least six (6) months prior thereto;

(b) Had been awarded a permanent service connected disability rating of ten (10) per cent or greater by the Veterans Administration, the Department of Defense, or one of the armed forces of the United States;

(c) Was receiving disability benefits prior to the date of his or her death; and who

(d) Was indigent at the time of his or her death.

(8) A veteran is "indigent at the time of death" if the total value of his estate in personal property does not exceed the amount exempt from distribution and sale under KRS 391.030, and he did not own or have any interest in real property;

(9) "Applicant" means the executor, administrator, or other personal representative, widow, son, daughter or parent of a deceased qualified veteran.

Section 2. A new section of KRS Chapter 40 is created to read as follows:

Upon application submitted in accordance with the provisions of this act, the estate of any deceased qualified veteran shall be paid for funeral expenses the sum of three hundred dollars ($300).

Section 3. A new section of KRS Chapter 40 is created to read as follows:

All applications for the grant provided in Section 2 of this act shall be submitted by the applicant to the director, in writing, upon forms prepared and made available by the bureau, and shall be accompanied by such documentary evidence as the bureau may by regulation prescribe, and shall be certified under the penalties of perjury by the applicant.

Section 4. A new section of KRS Chapter 40 is created to read as follows:

(1) No application may be filed with or sent to the director later than one (1) year from the date of the death of a qualified veteran, but applications sent by mail shall be received by the director if the postmark shows the date and time of mailing to have been within the one (1) year period prescribed.

(2) Applications tendered to the director after the expiration of the one (1) year period shall not be considered, and shall be returned to the applicant with a notation of the reason for its return.

Section 5. A new section of KRS Chapter 40 is created to read as follows:

(1) All facts material to determining eligibility for the grant shall be evidenced:

(a) In any case where the same are shown in the official records of the Department of Defense, Veterans Administration, or any other department, bureau, or agency of the United States, by an authenticated copy of the record, or a certificate made by an authorized person in the department, bureau or agency concerned, or by a written communication signed by such authorized person;

(b) In any case where the same are shown in any public record of the Commonwealth or of any public body in the Commonwealth, by a copy of such record, or the material part thereof, attested by the clerk or comparable officer;

(c) In any case where the same are shown in an instrument of writing, by tendering the instrument, or a photostat copy, or a copy authenticated in a manner acceptable to the director;

(d) Otherwise by affidavit.

(2) No applicant shall be entitled to an oral hearing as a matter of right; but the director may in his discretion order a hearing in any case presenting unusual circumstances or where it appears that documentary evidence of any material fact cannot reasonably be obtained, or where the claim cannot otherwise adequately be determined. The director may investigate any matter which in his judgment is not adequately proven, or which shows or raises an inference of fraud; and may require submission of supplementary proof.

Section 6. A new section of KRS Chapter 40 is created to read as follows:

A hearing ordered by the director shall be conducted by a single person designated by the bureau. Formalities of judicial procedure and proof may be waived. No stenographic transcript of the proceedings shall be made except when specifically authorized by the director; and in the absence of such authorization the hearing officer shall submit to the director his written summary of the proceedings. There shall be no right to written or oral argument; but the director may, in his discretion, authorize either.

Section 7. A new section of KRS Chapter 40 is created to read as follows:

The burden of proving to the satisfaction of the director that a grant is payable shall in all cases be upon the applicant.

Section 8. A new section of KRS Chapter 40 is created to read as follows:

The director shall make prompt determination that each application is approved or disapproved for payment.

Section 9. A new section of KRS Chapter 40 is created to read as follows:

(1) If a claim is disapproved, the director shall send a notice of such decision to the applicant by mail at the address shown in the application. The notice shall be in such form as the bureau may determine, shall

designate the reason for disapproval, shall inform the applicant of his or her right to seek review, shall have attached such form of request for review as the bureau may prescribe, and shall give information as to procedure for review.

(2) Application for review of the director's disapproval shall be made only on the forms prescribed and furnished by the bureau; and shall be received in the office of the director by the closing hour in the thirtieth day after the day upon which the notice of the disapproval is mailed by the director, or be forever barred.

(3) Upon receiving an application for review, the director shall transmit the same, together with the original application and all papers in the case, to the bureau.

(4) The bureau shall promptly consider the same evidence which was available to the director, and shall promptly enter in the case file its decision either finally affirming the director's decision, or finally approving the claim.

(5) The bureau shall send a notice of its decision to the applicant by registered mail, and shall return the case file to the director. The decision of the bureau shall be a final determination of the claim shown in the application. There shall be no right of recourse on the part of the applicant or the director in any court.

Section 10. A new section of KRS Chapter 40 is created to read as follows:

If the director shall disapprove any claim, or if the decision of the bureau be affirmance of the administrator's disapproval of the claim:

(1) Payment of the grant shall not be made;

(2) The director, upon receiving advice of the decision, shall note the same in a permanent record in his office; shall forthwith return to the claimant the copies of any official records submitted in support of the application; shall finally close the claim file; and may destroy all other papers except the application.

Section 11. A new section of KRS Chapter 40 is created to read as follows:

(1)(a) If an application is approved by the director or finally approved upon appeal to the bureau, the director shall promptly certify to the commissioner of finance the name and last address of the deceased qualified veteran and the name and address of the applicant.

(b) The commissioner of finance, upon receipt of certification from the director, shall approve payment of the grant, and shall immediately draw a warrant on the state treasury for a check in payment of the grant.

(c) Upon receipt of such warrant, the state treasurer shall issue a check in accordance therewith, and shall promptly mail the check to the applicant at the address shown in the certificate.

Section 12. A new section of KRS Chapter 40 is created to read as follows:

(1) Any person who makes a false or fraudulent statement of a material fact in any application, affidavit, certificate or document submitted or tendered for the purpose of obtaining payment of the grant provided under this act, shall be guilty of a felony and, upon conviction thereof, shall be fined not more than one thousand dollars ($1,000) or imprisoned for a term of not more than two (2) years, or both.

(2) Any persons conspiring to obtain payment of a fraudulent application for a grant provided under this act, shall be guilty of a felony, and upon conviction thereof, shall be fined not more than one thousand dollars ($1,000), or imprisoned for not more than two (2) years, or both.

HB 760, AN ACT relating to programs dealing with the treatment of persons suffering from hemophilia.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 211 is created to read as follows:

The Secretary of the Department for Human Resources is hereby authorized to establish programs for the treatment of persons suffering from hemophilia. The programs established by the Secretary shall assist persons requiring continued care and treatment to avoid crippling and extended hospitalization, and include the utilization of outpatient medical facilities at the University of Kentucky and the University of Louisville.

Section 2. A new section of KRS Chapter 211 is created to read as follows:

The Secretary of the Department of Human Resources shall develop standards for participation in the programs established under Section 1 of this Act, and promulgate reasonable rules and regulations to assure the maximum benefits at no cost to all persons suffering from hemophilia.

Section 3. An appropriation of $175,000 is hereby made to the Department for Human Resources in order to effectuate the purposes of this Act.

SB 274, AN ACT relating to health in confinement facilities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 211 is created to read as follows:

This act may be cited as the "Kentucky Confinement Facilities Health Act."

Section 2. A new section of KRS Chapter 211 is created to read as follows:

As used in this act, unless the context otherwise requires:

(1) "Department" shall mean the department for human resources.

(2) "State confinement facility" shall mean a penal or correctional facility or juvenile detention or treatment facility operated by or under the supervision of the Commonwealth of Kentucky.

(3) "Local confinement facility" shall mean a penal or correctional facility or juvenile detention or treatment facility operated by or under the supervision of any county, city, or metropolitan government or any other subdivision of the Commonwealth of Kentucky.

(4) "Public health and health" shall mean and include, but shall not be limited to, all environmental, dental, mental, medical, and nutritional aspects of the health of persons confined in a state or local confinement facility.

Section 3. A new section of KRS Chapter 211 is created to read as follows:

In addition to all other powers and duties vested in it by law, the department shall have the authority, power, and duty to:

(1) Adopt, modify, and repeal rules, regulations, and standards relating to the public health or health aspects of the operation of state and local confinement facilities, and exercise general supervision over the administration of this act and assist in the enforcement of all rules, regulations, and standards promulgated pursuant to it;

(2) Collect, evaluate, and disseminate information from state and local confinement facilities as it relates to the public health of the people of the Commonwealth;

(3) Develop comprehensive plans for the elimination of conditions in state and local confinement facilities which adversely affect the public health or the health of those persons confined or likely to be confined in any state or local confinement facility;

(4) Enter upon the premises and inspect any state or local confinement facility for the purpose of determining the extent of compliance with this act and investigating the effect of the operation of state and local confinement facilities upon the public health or the health of those persons confined or likely to be confined in any state or local confinement facility;

(5) Advise, consult, and cooperate with other agencies of the Commonwealth, including the Bureau of Corrections and Office of Local Government, other jurisdictions, the federal government, interstate and interlocal agencies, and local governments regarding the effects of the operation of confinement facilities upon the public health;

(6) Accept, receive, and administer grants or other funds or gifts from public and private agencies for the purpose of implementing this act.

Section 4. A new section of KRS Chapter 211 is created to read as follows:

Six months after the effective date of this act, no person responsible for the supervision or maintenance of a state or local confinement facility shall knowingly cause or permit such facility to be operated in violation of rules, regulations, or standards promulgated by the department pursuant to this act.

Section 5. A new section of KRS Chapter 211 is created to read as follows:

If, upon the inspection of either a state or local confinement facility, the department finds that conditions exist which endanger the health of those confined or likely to be confined in the facility, or the public health of the citizens of the Commonwealth of Kentucky, the department shall advise the supervising and maintaining authorities, and those persons confined in the facility, that the facility does not meet the rules, regulations, or standards duly established by the department pursuant to this act.

Section 6. A new section of KRS Chapter 211 is created to read as follows:

Those persons confined in a facility which does not meet the rules, regulations, or standards duly established by the department may seek a transfer to a facility which meets the rules, regulations, or standards duly established by the department pursuant to this act. This shall be done through appropriate legal action brought in the court having jurisdiction over the confined person and, upon a showing by the confined person that the facility does not meet the rules, regulations, or standards duly established by the department, the court shall enter an order of transfer to a facility which does meet the rules, regulations, or standards duly established by the department pursuant to this act. The governmental unit having jurisdiction over the confined person shall pay the cost of the transfer and shall pay the supervising and maintaining authorities, at the approved facility to which the person is transferred, all lawful charges related to the daily maintenance and

supervision of the confined person.

Section 7. A new section of KRS Chapter 211 is created to read as follows:

All laws of the Commonwealth and its subdivisions that relate to the supervision and maintenance of state or local confinement facilities shall be administered in a manner consistent with the provisions of this act and the rules, regulations, and standards promulgated pursuant to it.

The Committee on Judiciary reported **SB 70,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee Amendment to **SB 70** is as follows:

Amend printed copy of Senate Bill 70 page 1, line 3, to delete "natural or adoptive"

and on page 1, line 4, after the word "by" to add "*the Bureau of Health Services in*"

and on page 1, line 11, to delete "or adoptive parents"

and on page 1, line 12, after the word "by" to add "*the Bureau of Health Services in*"

and on page 1, line 20, after the word "by" to add "*the Bureau of Health Services in*"

and on page 2, line 5, to delete the word "*responsible*" and, after the word "*bureau*" to add "*of Health Services*"

and in the title to delete "mental health" and to insert in lieu thereof "health services"

Recommended Consent Calendar

HB 574, HB 813, HB 826, SB 44, SB 56, SB 58, SB 60, SB 181, SB 249, SB 257, SB 263, HB 800 with Committee Amendment attached thereto, **HB 823** with Committee Amendment attached thereto, **SB 46, SB 203, SB 226, HB 848, SB 214, SB 168,** and **SB 215** taken from Recommended Consent Calendar and ordered read at length for the second time. Representative Swinford moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Calendar

SB 280 with Committee Amendment attached thereto, **HB 770, HB 820, HR 42, SB 194** with Committee Amendment attached therto, **SB 230, HB 584, SB 30, SB 210. SB 179, SB 182, SB 219, SB 223, SB 255, SB 281, HB 607, HB 793** with Committee Amendment attached thereto, **HB 799, SB 143, HB 221** with Committee Amendment attached thereto, **SB 125, SB 130, SB 165, HB 754, HJR 78, SB 183, HB 143** with Committee Amendment attached therto, **HB 256, HB 417, HB 469, HB 526** with Committee Amendment attached therto, **HB 657, HB 730, HB 737, HB 746, HB 862, HR 76, SB 158, SB 204,** and **HB 604** taken from the Calendar and ordered read at length for the second time. Representative Swinford moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Recess

Representative Freeman moved that the House recess for ten minutes for a meeting of the Mountain delegation caucus. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Motions, Petitions and Communications

Representative Reynolds moved that **HB 173,** with Senate Amendment attached therto, be taken from the Clerk's desk. Agreed.

Representative Reynolds moved that the House concur in the following Senate Amendment to **HB 173:**

Amend printed copy of House Bill 173 on page 6, line 2, by adding "*school term*" after "*the*" and by deleting "*annual or fiscal year*"

Agreed.

Representative Reynolds moved that **HB 173** as amended be placed upon its passage.

On the roll call the vote was yeas 78-Adams, Arnold, Bennett, Benson, Blandford, Blume, Bowles, R. Brown, Bruce, Burch, Clapp, Clarke, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Lindsay, Little, Louden, Mann, Mason, May, McBee, McBrayer, McGill, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Schmidt, Sharpe, Smith, Stephens, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Wells, J. White, Wible, Yates. Nays 0.

HB 173 as amended was passed and the title agreed to.

Representative Reynolds moved that the vote by which **HB 173** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 150, SB 152, SB 153, SB 154, SB 155, SB 185, SB 222,** and **SR 1** have been examined and found correctly enrolled. **SB 150, SB 152, SB 153, SB 154, SB 155, SB 185, SB 222,** and **SR 1** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Motions, Petitions and Communications

Representative Wible moved that **HB 569** be taken from the Clerk's desk and placed in the Calendar, report of the Committee on Business Organizations and Professions notwithstanding.

Representative Schmaedecke moved that **HB 569** be made a special order of business for Tuesday, March 19, 1974.

Representative Karem moved that the motion that **HB 569** be taken from the Clerk's desk and placed in the Calendar, report of the Committee on Business Organizations and Professions notwithstanding, be laid on the table.

On the roll call the vote was yeas 38-Bennett, Benson, Blume, Blythe, Burch, Chandler, Clarke, Dietz, Donnermeyer, Dunn, Graves, Hancock, Hardin, Hurst, Isler, Karem, Kenton, Kidd, King, Kleier, Little, Louden, Mann, Mason, McBee, McBride, Morgan, Priddy, Quickert, Roberts, Schmaedecke, Schmidt, Siemens, Thomas, Turner, Van Horn, Watkins, Yates. Nays 38-Adams, Arnold, Beshear, Bowles, R. Brown, Bruce, Davis, Dawahare, DeMarcus, Denham, Foster, Gay, Guenthner, Head, Hinkle, Hislope, Holbrook, Hughes, Imes, Kafoglis, Lewis, May, McBrayer, Rattliff, Reynolds, Richardson, Robinson, Sale, Sharpe, Smith, Stephens, Stone, Swinford, Vincent, Wells, J. White, Whitfield, Wible.

The motion that the motion that **HB 569** be taken from the Clerk's desk and placed in the Calendar be tabled was rejected.

The motion that **HB 569** be made a special order of business for March 19, 1974, was rejected by voice vote.

Representative Van Horn moved that the House go into the next order of business.

Representative Richardson moved that the motion that the House go into the next order of business be laid on the table.

On the roll call the vote was yeas 31-Adams, Arnold, Beshear, Burch, Davis, Dawahare, DeMarcus, Denham, Foster, Gay, Hardin, Holbrook, Holloway, Hopkins, Hughes, Imes, Kafoglis, Lewis, May, Pearman, Rattliff, Richardson, Robinson, Sharpe, Siemens, Stephens, Stone, Troop, Vincent, Wells, Wible. Nays 40-Bennett, Benson, Blume, Blythe, Bowles, Chandler, Dietz, Donnermeyer, Dunn, Graves, Guenthner, Head, Hinkle, Hislope, Hurst, Isler, Karem, Kenton, King, Little, Louden, Mann, Mason, McBee, McBride, Morgan, O'Brien, Priddy, Quickert, Roberts, Sale, Schmaedecke, Schmidt, Thomas, Turner, Van Horn, Watkins, J. White, Whitfield, Yates.

The motion that the motion that the House go into the next order of business be tabled was rejected.

The motion that the House go into the next order of business was adopted by voice vote.

Senate Message

Announcing passage of **SB 5, SB 220, SB 289, SB 324, HB 121** with Amendment, **HB 252, HB 333** with Amendment, **HB 384** with Amendment, **HB 391** with Amendment, **HB 529, HB 571** with Amendment, **HB 650** with Committee Substitute, **SB 244,** and **HB 388** with Amendments.

The following communication was received from the Chief Clerk of the Senate dated March 13, 1974, in regard to **SB 135:**

"The Senate has refused to concur in the House Amendment to Senate Bill No. 135 and is respectfully requesting that a Conference Committee be appointed.

The President of the Senate has appointed the following Senators to the Conference Committee: Senator Michael R. Moloney, Senator Norman E. Farris and Senator Georgia Davis Powers."

The following communication was received from the Chief Clerk of the Senate dated March 13, 1974, in regard to House Resolution 29:

"The Senate has refused to recede from its amendment to House Resolution No. 29 and is respectfully requesting this Honorable Body to appoint a Conference Committee.

The President of the Senate has appointed the following Senators to the Conference Committee: Senator William L. Quinlan, Senator Tom Mobley, Senator William R. Gentry, Jr., Senator Lacey T. Smith and Senator Clyde Middleton."

Orders of the Day

Representative Quickert moved that the rules be suspended for the purpose of recommitment of bills. Agreed.

Representative Quickert moved that **HB 397** be recommitted to the Committee on Judiciary. Agreed.

Representative Morgan moved that **HB 648** be recommitted to the Committee on Business Organizations and Professions. Agreed.

The Speaker vacated the Chair. Speaker Pro Tempore presiding.

HB 605 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that **SB 260** be substituted for **HB 605.** Agreed.

Representative Donnermeyer moved the adoption of the Committee Amendment No. 1 to **SB 260.** Agreed.

Representative Donnermeyer moved that **SB 260** as amended be placed upon its passage.

On the roll call the vote was yeas 68-Adams, Bennett, Benson, Beshear, Blandford, Blume, Bowles, Brewer, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hardin, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Hurst, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, O'Brien, Overstreet, Paxton, Priddy, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stone, Swinford, Troop, Van Horn, Vincent, G. White, J. White, Whitfield, Wible, Yates. Nays 4-Blythe, Hancock, Holloway, Karem.

SB 260 as amended was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which **SB 260** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 17, HB 527,** and **HB 693** be deferred and that they retain their position in Orders of the Day. Agreed.

The Speaker resumed the Chair.

HB 697 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Priddy moved that **HB 697** be placed upon its passage.

On the roll call the vote was yeas 54-Blandford, Blume, Bowles, Brewer, Bruce, Burch, Chandler, Clapp, Crupper, Davis, Dietz, Donnermeyer, Dunn, Foster, Graves, Guenthner, Hancock, Hardin, Head, Hinkle, Holbrook, Holloway, Imes, Isler, Kenton, Kidd, Kleier, Louden, Mann, Mason, May, McBee, McBride, McGill, Morgan, O'Brien, Pearman, Paxton, Priddy, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stone, Swinford, Thomas, Watkins, Wible, Yates. Nays 24-Adams, Beshear, Clarke, Dawahare, DeMarcus, Denham, Hellard, Hopkins, Hurst, Kafoglis, Karem, Lindsay, McBrayer, Nett, Overstreet, Rattliff, Roberts, Robinson, Troop, Van Horn, Vincent, Wells, G. White, Whitfield.

HB 697 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 697** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 114 as amended taken from Orders of the Day. Representative Swinford moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative Benson moved the adoption of the following Floor Amendment No. 4 to **SB 114:**

Amend printed copy of Senate Bill 114 pages 13 and 14, lines 17-26 and 1-4, by striking the same.

On the roll call the vote was yeas 26-Benson, Beshear, Blythe, Clarke, Davis, Denham, Graves, Hardin, Hellard, Hopkins, Hughes, Hurst, Kafoglis, Karem, Kidd, King, Kleier, Mason, Nett, O'Brien, Overstreet, Quickert, Robinson, Sharpe, Wells, G. White. Nays 57-Adams, Arnold, Bennett, Blandford, Blume, Bowles, Brewer, R. Brown, Bruce, Burch, Clapp, Crupper, Dawahare, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Gay, Hancock, Head, Hinkle, Hislope, Holbrook, Imes, Isler, Kenton, Lindsay, Little, Louden, Mann, May, McBee, McBrayer, McBride, McGill, Morgan, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Roberts, Romines, Sale, Siemens, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, J. White, Whitfield, Wible.

The Floor Amendment No. 4 to **SB 114** was rejected.

Representative Schmidt moved the adoption of the following Floor Amendment No. 2 to **SB 114:**

Amend printed copy of Senate Bill 114 page 10, line 9, by deleting "thereafter.", and inserting thereafter the following: *"prior to July 1, 1974; and 50 percent shall be paid by the Special Fund and 50 percent by the employer for all claims filed after July 1, 1974."*

On the roll call the vote was yeas 47-Bennett, Benson, Beshear, Blandford, Blythe, Burch, Chandler, Clarke, Davis, DeMarcus, Denham, Dunn, Graves, Guenthner, Hancock, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, King, Kleier, Lewis, Mason, May, McBrayer, Nett, O'Brien, Overstreet, Quickert, Rattliff, Richardson, Robinson, Schmaedecke, Schmidt, Watkins, Wells, G. White, Whitfield, Wible, Yates. Nays 43-Adams, Arnold, Blume, Bowles, Brewer, R. Brown, Bruce, Clapp, Dawahare, Dietz, Donnermeyer, Foster, Freeman, Gay, Givhan, Hardin, Head, Hinkle, Kenton, Little, Louden, Mann, McBee, McBride, Morgan, Pearman, Paxton, Priddy, Reynolds, Roberts, Romines, Sale, Sharpe, Siemens, Smith, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, J. White.

The Floor Amendment No. 2 to **SB 114** was adopted.

Representative Wible moved that **SB 114** as amended be placed upon its passage.

Representative Paxton moved that **SB 114** as amended be laid on the Clerk's desk.

On the roll call the vote was yeas 38-Adams, Arnold, Blume, Bowles, Brewer, R. Brown, Bruce, Clapp, Dietz, Donnermeyer, Foster, Freeman, Gay, Hardin, Head, Kenton, Lindsay, Little; Louden, McBee, McBride, Morgan, Overstreet, Pearman, Paxton, Reynolds, Roberts, Sale, Sharpe, Siemens, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, J. White. Nays 44-Bennett, Benson, Beshear, Blandford, Blythe, Burch, Chandler, Clarke, Crupper, DeMarcus, Denham, Dunn, Graves, Guenthner, Hancock, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, King, Kleier, Mason, Nett, O'Brien, Priddy, Rattliff, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Watkins, Wells, G. White, Wible, Yates.

The motion that **SB 114** be laid on the Clerk's desk was rejected.

On the roll call the vote was yeas 64-Arnold, Bennett, Blandford, Blume, Blythe, Bowles, Burch, Chandler, Clapp, Clarke, Crupper, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Graves, Guenthner, Hancock, Hinkle, Hislope, Holbrook, Holloway, Hughes, Hurst, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Priddy, Rattliff, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Stephens, Van Horn, Watkins, Wells, G. White, Whitfield, Wible Yates. Nays 26-Adams, Benson, Beshear, R. Brown, Bruce, Dawahare, Gay, Hardin, Head, Hellard, Hopkins, Karem, Little, Overstreet, Pearman, Paxton, Reynolds, Roberts, Sharpe, Siemens, Stone, Swinford, Thomas, Troop, Vincent, J. White.

SB 114 as amended was passed and the title agreed to.

Representative O'Brien moved that the vote by which **SB 114** as amended was passed be reconsidered and said motion be postponed indefinitely.

On the roll call the vote was yeas 44-Bennett, Benson, Beshear, Blandford, Blythe, Burch, Chandler, Clarke, Crupper, DeMarcus, Denham, Dunn, Graves, Guenthner, Hancock, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, King, Kleier, Lewis, Maynard, McGill, Nett, O'Brien, Rattliff, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Vincent, Watkins, Wells, G. White, Wible, Yates. Nays 38-Adams, Blume, Bowles, Brewer, R. Brown, Clapp, Dawahare, Dietz, Donnermeyer, Foster, Freeman, Gay, Hardin, Head, Hellard, Hinkle, Kenton, Lindsay, Little, Louden, McBride, Morgan, Overstreet, Pearman, Paxton, Priddy, Reynolds, Roberts, Sale, Sharpe, Siemens, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, J. White.

The motion that the vote by which **SB 114** as amended was passed be reconsidered and said motion be postponed indefinitely was adopted.

Senate Message

Announcing passage of **SB 199, SB 241, SB 301, HB 132, HB 250, HB 341, HB 359, HB 379,** and **HB 404.**

Orders of the Day

HB 259, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the Committee Substitute to **HB 259.**

Representative Stone moved the adoption of the following Floor Amendment No.2 to **HB 259:**

Amend printed copy of Committee Substitute for House Bill 259 page 1, delete lines 1 through 20

page 2, delete lines 1 through 15

insert in lieu thereof the following:

A new section of KRS Chapter 360 is created to read as follows:

(3) A modular home or any similar construction device designed to furnish a single unit family residential unit permanently attached or to be permanently attached to the real estate on which it is constructed or is to be constructed shall be subject to the provisions of KRS 360.010.

Agreed.

Representative Stone moved that **HB 259,** by way of Committee Substitute as amended, be placed upon its passage.

On the roll call the vote was yeas 67-Adams, Arnold, Bennett, Benson, Blandford, Blume, Blythe, R. Brown, Burch, Chandler, Clapp, Crupper, Davis, Dawahare, Denham, Dietz, Dunn, Foster, Freeman, Gay, Givhan, Graves, Hancock, Hardin, Hellard, Hislope, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Kenton, Kidd, Kleier, Lewis, Little, Mason, May, Maynard, McBee, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Richardson, Robinson, Romines, Sale, Schmaedecke, Sharpe, Stephens, Stone, Swinford, Troop, Van Horn, Vincent, Watkins, G. White, J. White, Wible, Yates. Nays 3-Clarke, Donnermeyer, Mann.

HB 259, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 259,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 564 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Holbrook moved that **HB 564** be placed upon its passage.

On the roll call the vote was yeas 35-Bennett, Blythe, Burch, Chandler, Clapp, Davis, Denham, Dunn, Foster, Gay, Givhan, Graves, Guenthner, Hardin, Hislope, Holbrook, Hughes, Hurst, Isler, Kleier, Lewis, Lindsay, May, Maynard, McGill, Morgan, O'Brien, Pearman, Paxton, Rattliff, Romines, Schmaedecke, Schmidt, Stephens, Whitfield. Nays 39-Adams, Arnold, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Clarke, Crupper, Dawahare, Donnermeyer, Hancock, Hellard, Kafoglis, Karem, Kenton, Kidd, King, Louden, Mann, Mason, McBee, McBrayer, Overstreet, Quickert, Richardson, Robinson, Sale, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, Wells, G. White, Wible, Yates.

HB 564 was defeated.

Representative Benson moved that the vote by which **HB 564** was defeated be reconsidered and said motion be postponed indefinitely. Agreed.

HB 616 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richardson moved that **HB 616** be placed upon its passage.

On the roll call the vote was yeas 77-Adams, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Clarke, Crupper, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, Maynard, McBee, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Richardson, Robinson, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Swinford, Thomas, Van Horn, Vincent, Watkins, Wells, G. White, Whitfield, Wible, Yates. Nays 0.

HB 616 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 616** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 709** and **HB 718** be deferred and that they retain their position in Orders of the Day. Agreed.

HB 734 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the following Floor Amendment No. 1 to **HB 734:**

Amend printed copy of House Bill 734 page 12 after line 20 by adding the following:

"Estate of Grace L. Etter
William J. Etter, Admr.
Rt. 1, Box 16
Barbourville, Kentucky 40906 $ 24.99"

and, on line 21, by correcting the total to read: "_____"

Agreed.

Representative Swinford moved the adoption of the following Floor Amendment No. 2 to **HB 734:**

Amend printed copy of House Bill 734 page 12 after line 20 by adding the following:

"Whitley County Treasurer
Williamsburg
Kentucky 40769 $ 18,750.00"

and, on line 21, by correcting the total to read: "_____"

Agreed.

Representative Swinford moved that **HB 734** as amended be placed upon its passage.

On the roll call the vote was yeas 77-Adams, Arnold, Benson, Beshear, Blandford, Blume, Blythe, Bowles, R. Brown, Bruce, Chandler, Clapp, Crupper, Davis, Dawahare, DeMarcus, Denham, Donnermeyer,

Dunn, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Mann, Mason, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Shcmidt, Sharpe, Siemens, Stepehens, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, Wells, J. White, Whitfield, Wible. Nays 1-Dietz.

HB 734 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 734** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 747 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Karem moved that **HB 747** be placed upon its passage.

On the roll call the vote was yeas 69-Bennett, Benson, Beshear, Blandford, Blume, Bowles, R. Brown, Chandler, Clarke, Crupper, Davis, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Hellard, Holbrook, Hopkins, Hughes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Mann, Mason, Maynard, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, Wells, Whitfield, Wible. Nays 3-Blythe, DeMarcus, Head.

HB 747 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 747** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HR 41 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Reynolds moved that **HR 41** be placed upon its passage.

On the roll call the vote was yeas 79-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, R. Brown, Bruce, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hislope, Hopkins, Hughes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Quickert, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stephens, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, G. White, J. White, Whitfield, Wible. Nays 0.

HR 41 was passed and the title agreed to.

Representative McBrayer presiding.

Representative Morgan moved that the rules be suspended to act on a Legislative Citation. Agreed.

Representative Roberts moved the adoption of the following Legislative Citation No. 124:

The House of Representatives of the Commonwealth of Kentucky hereby honors the Pikeville High School Panthers as the Basketball Champions of the Fifteenth Region. This body congratulates Coach David Collier and members of the team for representing Pikeville in the Sweet Sixteen and extends best wishes for success in the Kentucky High School Basketball Tournament. (Sponsored by Representative Roberts)

The Speaker resumed the Chair.

HJR 67 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Benson moved that **HJR 67** be placed upon its passage.

On the roll call the vote was yeas 67-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, R. Brown, Burch, Clapp, Crupper, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kidd, King, Kleier, Lewis, Louden, Mann, Mason, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stephens, Swinford, Troop, Van Horn, Wells, J. White, Wible, Yates. Nays 3-Clarke, Lindsay, Thomas.

HJR 67 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HJR 67** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 73 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hopkins moved the passage of **SB 73.**

Representative Lindsay moved the adoption of the following Floor Amendment No. 1 to **SB 73:**

Amend printed copy of Senate Bill 73 page 2, line 15, delete the word "shall" before the word maintain and insert in lieu thereof the word "may"

delete lines 16 through 23

On the roll call the vote was yeas 31-Arnold, Bennett, Blandford, R. Brown, Bruce, Clapp, Crupper, Davis, DeMarcus, Denham, Foster, Graves, Hancock, Head, Hellard, Hughes, Hurst, Isler, Lindsay, McBee, O'Brien, Overstreet, Pearman, Richardson, Robinson, Sharpe, Stephens, Swinford, Troop, Watkins, Wible. Nays 39-Adams, Benson, Beshear, Blume, Blythe, Burch, Chandler, Clarke, Dietz, Donnermeyer, Hopkins, Imes, Kafoglis, Kenton, King, Kleier, Lewis, Little, Louden, Mann, Mason, Maynard, McBride, McGill, Morgan, Nett, Paxton, Rattliff, Reynolds, Schmaedecke, Schmidt, Siemens, Stone, Thomas, Van Horn, Vincent, Wells, Whitfield, Yates.

Floor Amendment No. 1 to **SB 73** was rejected.

On the roll call the vote was yeas 48-Adams, Benson, Beshear, Blume, Blythe, Chandler, Clarke, Crupper, Dietz, Donnermeyer, Dunn, Graves, Hellard, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Little, Louden, Mann, Mason, May, McGill, Morgan, Nett, Priddy, Rattliff, Romines, Schmaedecke, Schmidt, Siemens, Stone, Thomas, Van Horn, Vincent, Wells, G. White, J. White, Yates. Nays 30-Arnold, Bennett, Blandford, Bruce, Burch, Clapp, Davis, Denham, Foster, Hancock, Head, Hurst, Lindsay, McBee, McBrayer, McBride, O'Brien, Overstreet, Pearman, Paxton, Quickert, Reynolds, Richardson, Robinson, Sharpe, Stephens, Swinford, Troop, Watkins, Wible.

SB 73 was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which **SB 73** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 44** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 74, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Givhan moved the adoption of the Committee Substitute for **HB 74.** Agreed.

Representative Givhan moved that **HB 74,** by way of Committee Substitute, be placed upon its passage.

On the roll call the vote was yeas 67-Adams, Arnold, Bennett, Benson, Blandford, Blume, Blythe, R. Brown, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, King, Lindsay, Little, Mann, Mason, Maynard, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stephens, Stone, Swinford, Thomas, Van Horn, Vincent, Watkins, J. White, Wible, Yates. Nays 2-Beshear, Whitfield.

HB 74, by way of Committee Substitute, was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 74,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **SB 323, SB 343, HB 455** with Amendment, **HB 520** with Amendment, and **HB 555.**

Orders of the Day (continued)

HB 94, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Givhan moved the adoption of the Committee Amendment No. 2 to **HB 94.** Agreed.

Representative Givhan moved that **HB 94** as amended be placed upon its passage.

On the roll call the vote was yeas 42-Adams, Arnold, Bennett, Benson, Blythe, R. Brown, Chandler, Crupper, Dawahare, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Head, Holloway, Hughes, Isler, Kafoglis, Karem, Kenton, Kleier, Little, Mason, Morgan, O'Brien, Pearman, Priddy, Robinson, Romines, Sale, Schmaedecke, Schmidt, Siemens, Stephens, Stone, Thomas, Van Horn, Vincent, J. White, Yates. Nays 38-Beshear, Blandford, Blume, Bruce, Burch, Clarke, Davis, Dietz, Guenthner, Hardin, Hellard, Holbrook, Hopkins, Imes, Kidd, King, Lewis, Mann, May, Maynard, McBee, McBrayer, McBride, McGill, Nett, Overstreet, Quickert, Rattliff, Reynolds, Richardson, Sharpe, Swinford, Troop, Watkins, Wells, G. White, Whitfield, Wible.

HB 94 as amended was passed and the title agreed to.

Representative Givhan moved that the vote by which **HB 94** was passed be reconsidered and said motion be postponed indefinitely.

On the roll call the vote was yeas 44-Adams, Arnold, Bennett, Benson, Blythe, R. Brown, Chandler, Dawahare, Denham, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Head, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kleier, Lewis, Little, Mason, Morgan, O'Brien, Pearman, Priddy, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stone, Thomas, Van Horn, Vincent, Watkins, J. White, Yates. Nays 27-Beshear, Blume, Burch, Clarke, Dietz, Donnermeyer, Guenthner, Hellard, Holbrook, Holloway, Imes, Kidd, King, Louden, Mann, May, McBee, McGill, Nett, Overstreet, Rattliff, Swinford, Troop, Wells, G. White, Whitfield, Wible.

The motion that the vote by which **HB 94** was passed be reconsidered and said motion be postponed indefinitely was adopted.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 252, HB 529, HB 132, HB 173, HB 250, HB 341, HB 359, HB 379, HB 404,** and **HB 555** have been examined and found correctly enrolled. **HB 252, HB 529, HB 132, HB 173, HB 250, HB 341, HB 359, HB 379, HB 404,** and **HB 555** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 252, HB 529, HB 132, HB 173, HB 250, HB 341, HB 359, HB 379, HB 404, and **HB 555** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (continued)

HB 223, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blythe moved the adoption of the Committee Substitute for **HB 223.** Agreed.

Representative Blythe moved that **HB 223,** by way of Committee Substitute, be placed upon its passage.

On the roll call the vote was yeas 56-Arnold, Benson, Blandford, Blume, Blythe, R. Brown, Bruce, Clapp, Clarke, Crupper, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Givhan, Graves, Hardin, Head, Holbrook, Hopkins, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, Morgan, Nett, Paxton, Priddy, Quickert, Romines, Schmidt, Sharpe, Siemens, Stephens, Swinford, Vincent, Watkins, Whitfield, Wible. Nays 6-Beshear, Hellard, Hughes, O'Brien, Troop, Van Horn.

HB 223, by way of Committee Substitute, was passed and the title agreed to.

Representative Swinford moved that consideration of **HB 454,** with Committee Amendment attached thereto, be deferred and that it retain its position in Orders of the Day. Agreed.

HB 507 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wible moved that **HB 507** be placed upon its passage.

On the roll call the vote was yeas 65-Arnold, Bennett, Beshear, Blandford, Blume, Bruce, Burch, Chandler, Clarke, Crupper, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hardin, Head, Hellard, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, Maynard, McBee, McBrayer, McBride, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Robinson, Romines, Sale, Schmidt, Sharpe, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible. Nays 0.

HB 507 was passed and the title agreed to.

Representative Wible moved that the vote by which **HB 507** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 594** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 637 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Maynard moved that **HB 637** be placed upon its passage.

On the roll call the vote was yeas 64-Adams, Arnold, Bennett, Beshear, Blandford, Blume, R. Brown, Burch, Chandler, Clapp, Clarke, Crupper, Dawahare, Dietz, Donnermeyer, Dunn, Graves, Hancock, Hardin, Hellard, Holbrook, Holloway, Hopkins, Hughes, Isler, Kafoglis, Karem, Kidd, King, Kleier, Lewis, Little, Louden, Mann, Mason, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Richardson, Romines, Schmaedecke, Schmidt, Sharpe, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, G. White, J. White, Wible, Yates. Nays 3-DeMarcus, Denham, Robinson.

HB 637 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 637** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker Pro Tempore assumed the Chair.

HB 726 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Overstreet moved that **HB 726** be placed upon its passage.

On the roll call the vote was yeas 71-Adams, Arnold, Bennett, Beshear, Blandford, Blume, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, McBee, McBrayer, McBride, McGill, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, Wells, J. White, Whitfield, Wible, Yates. Nays 0.

HB 726 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 726** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 774 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kleier moved the adoption of the following Floor Amendment No. 1 to **HB 774:**

Amend printed copy of House Bill 774, page 2, following line 18 by inserting:

"Section 2. KRS 341.055 is amended to read as follows:

Unless the employing unit thereof has elected that such services become covered employment under the provisions of subsection (3) or (4) of KRS 341.250, "covered employment" shall not include:

(1) Service performed in agricultural labor as defined in section 3306 (k) of the Federal Unemployment Tax Act;

(2) Domestic service in a private home, a local college club, or local chapter of a college fraternity or sorority;

(3) Service performed in the employ of this state, or any of its political subdivisions or municipalities, except as provided in paragraph (d) of subsection (1) of KRS 341.050;

(4) Except as provided in paragraph (d) of subsection (1) of KRS 341.050 service performed in the employ of any other state or any political subdivision thereof, or of the United States Government or an instrumentality of the United States exempt by federal law from the contributions imposed by this chapter, except that to the extent that the Congress of the United States shall permit states to require instrumentalities of the United States to make payments into an unemployment fund under a state unemployment insurance

law, all the provisions of this chapter shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employing units, individuals and services; provided that if this state shall not be certified for any year by the Secretary of Labor of the United States under section 3304 of the Federal Unemployment Tax Act, the payments required of such instrumentalities with respect to such year shall be refunded from the fund in the same manner and within the same period as is provided in KRS 341.330 with respect to contributions erroneously collected;

(5) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress. The commissioner may enter into agreements with the proper agencies under such Act of Congress to provide reciprocal treatment to workers who have, after acquiring potential rights to benefits under this chapter, acquired rights to unemployment compensation under such Act of Congress, or who have, after acquiring potential rights to unemployment compensation under such Act of Congress, acquired rights to benefits under this chapter;

(6) Service performed by a worker in the employ of his son, daughter, or spouse and service performed by a child under the age of twenty-one in the employ of his father or mother;

(7) Service performed in the employ of a foreign government (including service as a consular, or other officer or employ or a nondiplomatic representative), or of an instrumentality wholly owned by a foreign government if:

(a) The service is of a character similar to that performed in foreign countries by employes of the United States government or of an instrumentality thereof, and

(b) The commissioner finds that the United States Secretary of State has certified to the United States Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign county by employes of the United States government and of instrumentalities thereof;

(8) Service performed as a student nurse in the employ of a hospital or a nurses' training school by a worker who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to the laws of this state; and service performed as an interne in the employ of a hospital by a worker who has completed a four years' course in a medical school chartered or approved pursuant to the laws of this state;

[(9) Service performed by a worker for an employing unit as an insurance agent or as an insurance solicitor, if all such service performed by such worker for such employing unit is performed for remuneration solely by way of commission;]

(9)[10)] Service performed by a worker under the age of eighteen in the delivery or distribution of newspaper or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(10)[(11)] Service not in the course of the employing unit's trade or business performed in any calendar quarter by a worker, unless the cash remuneration paid for such service is fifty dollars or more and such service is performed by an individual who is regularly employed by such employing unit to perform such service. For the pupose of this subsection, an individual shall be deemed to be regularly employed by an employing unit during a calendar quarter only if:

(a) On each of some twenty-four days during such quarter such individual performs for such employing unit for some portion of the day service not in the course of the employing unit's trade or business, or

(b) Such individual was regularly employed (as determined under paragraph (a) above) by such employing unit in the performance of such service during the preceding calendar quarter;

(11)[(12)] Service performed in any calendar quarter in the employ of any organization exempt from income tax under section 501 (a) of the Federal Internal Revenue Code (other than an organization described in section 401 (a)), or under section 521 of the Federal Internal Revenue Code, if the remuneration for such service is less than fifty dollars;

(12)[(13)] Service performed in the employ of an international organization;

(13)[(14)] Service covered by an election duly approved by the agency charged with the administration of any other state or federal employment security law, in accordance with an arrangement pursuant to KRS 341.145 during the effective period of such election;

(14)[(15)] Service performed in the employ of a school, college, or university, if such service is performed:

(a) By a student who is enrolled and is regularly attending classes at such school, college or university, or

(b) By the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that:

1. The employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college or university, and

2. Such employment will not be covered by any program of unemployment insurance;

(15)[(16)] Service performed by an individual under the age of twenty-two who is enrolled at a non-profit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subsection shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

(16)[(17)] Service performed in the employ of a hospital, if such service is performed by a patient of the hospital, as defined in KRS 341.067;

(17)[(18)] Service performed in the employ of a church or convention or association of churches, or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(18)[(19)] Service defined in KRS 341.050 (1)(d) and (e) performed in the employ of a school which is not an institution of higher education; or in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; or as part of an employment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training; or for a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution."

On the roll call the vote was yeas 42-Adams, Bennett, Benson, R. Brown, Burch, Chandler, Crupper, Dawahare, Donnermeyer, Dunn, Givhan, Graves, Hancock, Holbrook, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Little, Mann, May, McBrayer, Morgan, Nett, O'Brien, Quickert, Robinson, Romines, Schmaedecke, Schmidt, Siemens, Stone, Thomas, Van Horn, Vincent, Wells, G. White, J. White, Wible, Yates. Nays 22-Arnold, Beshear, Blandford, Clarke, Davis, Foster, Hellard, Holloway, Hughes, Hurst, Karem, Lindsay, Mason, McBee, McBride, Overstreet, Paxton, Priddy, Rattliff, Richardson, Sharpe, Swinford, Troop, Whitfield.

The Floor Amendment No. 1 to **HB 774** was adopted.

Representative Bennett moved that **HB 774** as amended be placed upon its passage.

Representative Guenthner moved that **HB 774** as amended be laid on the table.

On the roll call the vote was yeas 28-Adams, Arnold, Blandford, Blythe, DeMarcus, Denham, Foster, Guenthner, Hancock, Head, Hellard, Holbrook, Holloway, Hopkins, Hurst, Karem, Lindsay, Overstreet, Quickert, Rattliff, Richardson, Robinson, Sale, Schmidt, Stephens, G. White, Whitfield, Wible. Nays 35-Bennett, Benson, Blume, Burch, Chandler, Clapp, Crupper, Dietz, Donnermeyer, Dunn, Givhan, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Mann, Mason, May, McBee, Morgan, Nett, Pearman, Priddy, Reynolds, Romines, Siemens, Stone, Swinford, Van Horn, Vincent, J. White, Yates.

The motion that **HB 774** as amended be tabled was rejected.

On the roll call the vote was yeas 52-Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Burch, Chandler, Clapp, Clarke, Dietz, Donnermeyer, Dunn, Givhan, Graves, Head, Hughes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Mann, Mason, McBee, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Reynolds, Romines, Sale, Siemens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, Wells, J. White, Wible, Yates. Nays 20-Arnold, Blythe, Crupper, Davis, DeMarcus, Denham, Foster, Guenthner, Hancock, Hellard, Holbrook, Holloway, Karem, McBrayer, Quickert, Rattliff, Robinson, Stephens, G. White, Whitfield.

HB 774 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 774** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 37 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved that **SB 37** be placed upon its passage.

On the roll call the vote was yeas 72-Arnold, Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Little, Mann, Mason, May, McBee, McBrayer, McBride, Morgan, O'Brien, Overstreet, Pearman, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Stephens, Stone, Swinford, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible, Yates. Nays 0.

SB 37 was passed.

Representative Bruce moved the adoption of the Title Amendment (Committee Amendment No. 1) to **SB 37.** Agreed.

Representative Swinford moved that the vote by which **SB 37** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **SB 91** and **SB 94** be deferred and that they retain their position in Orders of the Day. Agreed.

HB 710, with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Beshear moved the adoption of the Committee Amendment No. 2 to **HB 710.** Agreed.

Representative Beshear moved the adoption of the Committee Amendment No. 3 to **HB 710.** Agreed.

Representative Beshear moved the adoption of the Committee Amendment No. 5 to **HB 710.** Agreed.

Representative Beshear moved the adoption of the Committee Amendment No. 6 to **HB 710.** Agreed.

Representative Beshear moved the adoption of the Committee Amendment No. 7 to **HB 710.** Agreed.

Representative Beshear moved the adoption of the Committee Amendment No. 1 to **HB 710.** Rejected.

Representative Beshear moved that **HB 710** as amended be placed upon its passage.

On the roll call the vote was yeas 66-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Burch, Chandler, Clapp, Clarke, Crupper, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Head, Hellard, Holbrook, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Mann, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Siemens, Stone, Swinford, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 0.

HB 710 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 710** as amended was passed be reconsidered and said motion be postponed indefinitely.

On the roll call the vote was yeas 53-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Burch, Chandler, Clapp, Crupper, Dawahare, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Head, Holloway, Hughes, Hurst, Isler, Kafoglis, Kidd, King, Kleier, Lewis, Lindsay, Mann, May, McBride, McGill, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Romines, Sale, Siemens, Stone, Swinford, Troop, Van Horn, Vincent, Watkins, Wible, Yates. Nays 8-Hancock, Karem, Kenton, Mason, Rattliff, Robinson, Schmidt, J. White.

The motion that the vote by which **HB 710** as amended was passed be reconsidered and said motion be postponed indefinitely was adopted.

Representative Swinford moved consideration of all bills remaining in Orders of the Day be deferred and that they retain their position in Orders of the Day. Agreed.

Representative Swinford moved that when the House adjourns, it do so until 10:00 A.M., March 15, 1974. Agreed.

Representative Swinford moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative Swinford moved that when the House adjourns, it do so by voice vote. Agreed.

Announcements

Representative Swinford moved that the Rules be suspended for Introduction of Resolutions, Reference of Bills and Resolutions, Posting of Bills and Resolutions for Consideration, and Report of Committees. Agreed.

Introduction of Resolutions

HR 102, by Representatives Siemens, Yates, and Priddy: A RESOLUTION commending those who have worked so diligently for **HB 50.**

HR 103, by Representative Mann: A CONCURRENT RESOLUTION urging Congress to enact legislation to establish a coordinated national program for the conversion of the United States from the use of the English system of weights and measures to the International Metric System.

HR 104, by Representative Karem: A RESOLUTION relating to streaks.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

State Government: **SB 343.**

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Business Organizations and Professions: **SB 246.**

Judiciary: **HB 516.**

Judiciary: withdrawn **HB 102, HB 189, HB 191, HB 226, HB 227, HB 236, HB 293, HB 357, HB 424, HB 481, HB 518, HB 519, HB 532, HB 543, HB 554, HB 580, HB 585, HB 689, HB 728, HB 773, HB 782, HB 795, HB 798, HB 803, HB 812, HB 838.**

State Government: **HR 92, HB 784, HR 86, HB 814.**

State Government: withdrawn **SB 108.**

Banking and Insurance: **SB 291.**

Labor and Industry: **HB 854, HB 866.**

Report of Committees

The Committee on Business Organizations and Professions reported **HB 769,** with Committee Amendment attached thereto, and **HB 835,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 769, AN ACT relating to involuntary dissolution of non-profit corporations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 273 is created to read as follows:

(1) In addition to the involuntary dissolution procedure set forth in KRS 273.320, the authorization of a foreign corporation to do business in this state and the certificate of incorporation of a domestic corporation may be revoked by the secretary of state upon the conditions prescribed in this section when:

(a) The corporation has failed to file its annual report within the time required by this act, or has failed to pay any fees, taxes or penalties prescribed by law when they have become due and payable; or

(b) The corporation has failed to appoint and maintain a registered agent in this state as required by this act; or

(c) The corporation has failed, after change of its registered office or registered agent, to file in the office of the secretary of state a statement of such change as required by this act; or

(d) The corporation has failed to file in the office of the secretary of state any amendment to its articles of incorporation or any articles of merger within the time prescribed by this act; or

(e) A misrepresentation has been made of any material matter in any application, report, affidavit, or other document submitted by such corporation pursuant to this act.

(2) The authorization of a foreign corporation or the certificate of incorporation of a domestic corporation shall not be revoked by the secretary of state unless:

(a) He shall have given the corporation not less than sixty days' notice thereof by mail addressed to its registered office in this state; and

(b) The corporation shall fail prior to revocation to file such annual report, or pay such fees, taxes or penalties, or file the required statement of change of registered agent or registered office, or file such articles of amendment or articles of merger, or correct such misrepresentation.

The Committee Amendment to **HB 769** is as follows:

Amend printed copy of House Bill 769 page 2, insert after line 21,

"Section 2. KRS 271A.425 is amended to read as follows:

Triplicate [Quadruplicate] originals of the statement of intent to dissolve, whether by consent of shareholders or by act of the corporation, shall be delivered to the secretary of state. If the secretary of state finds that such statement conforms to law, he shall, when all taxes, fees and charges have been paid as prescribed by law:

(1) Endorse on each of such *triplicate* [quadruplicate] originals the word "Filed," and the month, day and year of the filing thereof;

(2) File one of the *triplicate* [quadruplicate] originals in his office;

(3) Immediately forward a *notice of the corporation's* intent to dissolve [one of the quadruplicate originals] to the commissioner of revenue; and

(4) Return the other two *triplicate* [quadruplicate] originals to the corporation or its representative. One of such *triplicate* [quadruplicate] originals shall then be filed with and recorded by the clerk of the county court in the county in which is situated the registered office of the corporation."

"Section 3. KRS 271A.465 is amended to read as follows:

(1) Triplicate originals of such articles of dissolution shall be delivered to the secretary of state. He shall take no action with regard thereto until he has received from the commissioner of revenue a certificate certifying that all tax liability of the corporation to the state has been satisfied in full, and approving the dissolution of the corporation, such approval being conditioned solely upon the status of the tax liability of the corporation. However, if after thirty days have elapsed *since the notice from the secretary of state was forwarded to the commissioner of revenue as provided by KRS 271A.425* [the statement of intent to dissolve was forwarded to the commissioner of revenue as provided in KRS 271A.425, no notice that taxes are due has been filed with the secretary of state by the commissioner of revenue], the secretary of state shall proceed as if approval had been given, but if it is later determined that the corporation is indebted for taxes to the state or any of its political subdivisions, this provision shall not relieve any such liability. When approval of the commissioner of revenue has been given or deemed to have been given as above provided, and when the fees due the secretary of state have been paid, the secretary of state shall, if he finds the articles of dissolution conform to law:

(a) Endorse on each of such triplicate originals the word "Filed", and the month, day and year of the filing thereof;

(b) File one of such triplicate originals in his office; and

(c) Issue a certificate of dissolution to which he shall affix one of the other triplicate originals.

(2) The certificate of dissolution, together with the two triplicate originals of the articles of dissolution, shall be returned to the representative of the dissolved corporation. One of such triplicate originals shall then be filed with and recorded by the clerk of the county court in the county in which is situated the registered office of the corporation. Upon the issuance of such certificate of dissolution the existence of the corporation shall cease, except for the purpose of suits, other proceedings and appropriate corporate action by shareholders, directors and officers as provided in this chapter."

"Section 4. KRS 271A.595 is amended to read as follows:

(1) The certificate of authority of a foreign corporation to transact business in this state *and the certificate of incorporation of a domestic corporation* may be revoked by the secretary of state upon the

conditions prescribed in this section when:

(a) The corporation has failed to file its annual report within the time required by this chapter, or has failed to pay any fees, taxes or penalties prescribed by law when thay have become due and payable; or

(b) The corporation has failed to appoint and maintain a registered agent in this state as required by this chapter; or

(c) The corporation has failed, after change of its registered office or registered agent, to file in the office of the secretary of state a statement of such change as required by this chapter; or

(d) The corporation has failed to file in the office of the secretary of state any amendment to its articles of incorporation or any articles of merger within the time prescribed by this chapter; or

(e) A misrepresentation has been made of any material matter in any application, report, affidavit, or other document submitted by such corporation pursuant to this chapter.

(2) No certificate of authority of a foreign corporation *or certificate of incorporation of a domestic corporation* shall be revoked by the secretary of state unless:

(a) He shall have given the corporation not less than sixty days' notice thereof by mail addressed to its registered office in this state, and

(b) The corporation shall fail prior to revocation to file such annual report, or pay such fees, taxes or penalties, or file the required statement of change of registered agent or registered office, or file such articles of amendment or articles of merger, or correct such misrepresentation."

"Section 5. KRS 271A.375 is amended to read as follows:

(1) Any corporation owning at least ninety per cent of the outstanding shares of each class of another corporation may merge such other corporation into itself without approval of a vote of the shareholders of either corporation. Its board of directors shall, by resolution, approve a plan of merger setting forth:

(a) The name of the subsidiary corporation and the name of the corporation owning at least ninety per cent of its shares, which is hereinafter designated as the surviving corporation; and

(b) The manner and basis of converting the shares of the subsidiary corporation into shares, obligations, or other securities of the surviving corporation or of any other corporation or, in whole or in part, into cash or other property.

(2) A copy of such plan of merger shall be mailed to each shareholder of record of the subsidiary corporation.

(3) Articles of merger shall be executed in triplicate by the surviving corporation by its president or vice president and by its secretary or an assistant secretary, and verified by one of its officers signing such articles; *or, if the surviving corporation is a foreign corporation, by the subsidiary corporation by its president or vice president and secretary or assistant secretary, and verified by one of its officers signing such articles;* and shall set forth:

(a) The plan of merger;

(b) The number of outstanding shares of each class of the subsidiary corporation and the number of such shares of each class owned by the surviving corporation; and

(c) The date of the mailing to shareholders of the subsidiary corporation of a copy of the plan of merger.

(4) On and after the thirtieth day after the mailing of a copy of the plan of merger to shareholders of the subsidiary corporation or upon the waiver thereof by the holders of all outstanding shares triplicate originals of the articles of merger shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, he shall, when all fees and taxes therefor have been paid as prescribed by

law:

(a) Endorse on each of such triplicate originals the word "Filed", and the month, day and year of the filing thereof;

(b) File one of such triplicate originals in his office; and

(c) Issue a certificate of merger to which he shall affix one other triplicate original.

(5) The certificate of merger, together with the two triplicate originals of the articles of merger shall be returned to the surviving corporations or its representative. One of such triplicate originals shall then be filed with and recorded by the clerk of the county court in the county in which is situated the registered office of the corporation."

"Section 6. KRS 271A.295 is amended to read as follows:

(1) Amendments to the articles of incorporation shall be made in the following manner:

(a) The board of directors shall adopt a resolution setting forth the proposed amendment and, if shares have been issued, directing that it be submitted to a vote at a meeting of shareholders, which may be either the annual or a special meeting. If no shares have been issued, the amendment shall be adopted by resolution of the board of directors and the provisions for adoption by shareholders shall not apply. [The resolution may incorporate the proposed amendment in restated articles of incorporation which contain a statement that except for the designated amendment the restated articles of incorporation correctly set forth without change the corresponding provisions of the articles of incorporation as theretofore amended, and that the restated articles of incorporation together with the designated amendment supersede the original articles of incorporation and all amendments thereto];

(b) Written notice setting forth the proposed amendment or a summary of the changes to be affected thereby shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided in this chapter for the giving of notice of meetings of shareholders. If the meeting be an annual meeting, the proposed amendment of such summary may be included in the notice of such annual meeting;

(c) At such meeting a vote of the shareholders entitled to vote thereon shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of the holders of a majority of the shares entitled to vote thereon, unless any class of shares is entitled to vote thereon as a class, in which event the proposed amendment shall be adopted upon receiving the affirmative vote of the holders of a majority of the shares of each class of shares entitled to vote thereon as a class and of the total shares entitled to vote thereon.

(2) Any number of amendments may be submitted to the shareholders, and voted upon by them, at one meeting."

"Section 7. A new section of KRS Chapter 271A is created to read as follows:

Restated articles of incorporation which contain proposed amendments shall be made in the following manner:

(1) The board of directors shall adopt a resolution setting forth the restated articles of incorporation. As set forth in the resolution of the board of directors, the restated articles of incorporation shall:

(a) Set forth all of the operative provisions of the articles of incorporation as theretofore amended;

(b) Designate the proposed amendment; and

(c) State that except for the designated amendment, the restated articles of incorporation correctly set forth without change the corresponding provisions of the articles of incorporation as theretofore amended, and that the restated articles of incorporation together with the designated amendment supersede the original articles of incorporation and all amendments thereto.

If shares have been issued, the resolution shall direct that the proposed amendment be submitted to a vote at a meeting of shareholders, which may be either the annual or a special meeting. If no shares have been issued, the restated articles including the proposed amendment shall be adopted by resolution of the board of directors and the provisions for adoption by shareholders do not apply.

(2) Written notice setting forth the proposed amendment or a summary of the changes to be affected thereby shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided in this chapter for the giving of notice of meetings of shareholders. If the meeting be annual meeting, the proposed amendment of such summary may be included in the notice of such annual meeting;

(3) At such meeting a vote of the shareholders entitled to vote thereon shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of the holders of a majority of the shares entitled to vote thereon, unless any class of shares is entitled to vote thereon as a class, in which event the proposed amendment shall be adopted upon receiving the affirmative vote of the holders of a majority of the shares of each class of shares entitled to vote thereon as a class and of the total shares entitled to vote thereon.

(4) Any number of proposed amendments may be included in restated articles of incorporation and submitted to the shareholders, and voted upon them, at one meeting."

"Section 8. A new section of KRS Chapter 271A is created to read as follows:

Restated articles of incorporation which contain amendments adopted by the corporation by its shareholders and not previously filed with the secretary of state shall be executed in triplicate by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers signing such articles and shall:

(1) Set forth all of the operative provisions of the articles of incorporation as theretofore amended;

(2) Designate the amendment so adopted in the restated articles;

(3) State the date and manner of the adoption of the amendment by the shareholders or by the board of directors where no shares have been issued.

(4) If such amendment provides for an exchange, reclassification or cancellation of issued shares, and if the manner in which the same shall be effected is not set forth in the amendment, then state the manner in which the same shall be effected;

(5) If such amendment effects a change in the amount of stated capital, then state the manner in which the same is effected and state in dollars the amount of stated capital as changed by such amendment;

(6) State that except for the designated amendment, the restated articles of incorporation correctly set forth without change the corresponding provisions of the articles of incorporation as theretofore amended, and that the restated articles of incorporation together with the designated amendment supersede the original articles of incorporation and all amendments thereto."

"Section 9. A new section of KRS Chapter 271A is created to read as follows:

(1) Triplicate originals of restated articles which contain amendments not previously filed with the secretary of state shall be delivered to the secretary of state. If the secretary of state finds that such restated articles of incorporation conform to law, he shall, when all fees have been paid as in this Act prescribed:

(a) Endorse on each of such triplicate originals the word "Filed", and the month, day and year of the filing thereof;

(b) File one of such triplicate originals in his office; and

(c) Issue a restated certificate of incorporation, to which he shall affix one other triplicate original.

(2) The restated certificate of incorporation, together with the two triplicate originals of the restated articles of incorporation, shall be returned to the corporation or its representative. One of such triplicate

originals shall then be filed with and recorded by the clerk of the county court in the county in which is situated the registered office of the corporation.

(3) Upon the issuance of the restated certificate of incorporation by the secretary of state, the adopted amendment designated therein shall become effective and the articles of incorporation shall be deemed to be amended accordingly, and the restated articles of incorporation shall become effective and together with the designated amendment shall supersede the original articles of incorporation and all amendments thereto;

(4) No designated amendment shall affect any existing cause of action in favor of or against such corporation, or any pending suit to which such corporation shall be a party, or the existing rights of persons other than shareholders; and, in the event the corporate name shall be changed by amendment, no suit brought by or against such corporation under its former name shall abate for that reason."

HB 835, AN ACT relating to practical nurses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 314 is created to read as follows:

As used in this Act unless the context requires otherwise:

(1) "Practical nurse" means one who performs any of those services in observing and caring for the ill, injured or infirm, in applying counsel and procedures to safeguard life and health, in administering treatment and medication prescribed by a licensed physician or licensed dentist or in teaching or supervising others which are commonly performed by licensed practical nurses and which require specialized knowledge and all such as is taught or acquired.

(2) "Persons" includes corporations, companies, associations, firms, partnerships, societies, and schools of practical nursing, as well as natural persons.

(3) "Board" means the Kentucky State Board of Examiners for Licensed Practical Nurses.

Section 2. A new section of KRS Chapter 314 is created to read as follows:

Any person who is qualified to serve as a practical nurse under the provisions of this Act shall be known as a licensed practical nurse or otherwise known as a L.P.N. After June 13, 1974, no person shall engage in practical nursing nor assume such title nor use such abbreviation or any other words, letters, figures, signs, or devices to indicate that the person using the same is a licensed practical nurse or a practical nurse without being licensed according to the provisions of this Act; provided, however, that any person holding a valid license to practice practical nursing in this state as of the effective date of this Act shall be deemed to be a licensed practical nurse under the provisions of this Act.

Section 3. A new section of KRS Chapter 314 is created to read as follows:

Except as otherwise provided in Section 5 of this Act, any person desiring to obtain a license to practice practical nursing shall submit to the board satisfactory evidence that he or she: (1) is of good moral character; and (2) has acquired at least a tenth grade education or its equivalent; and (3) has completed a course of study in an accredited school for practical nurses as defined by the board and holds a diploma therefrom; and (4) has completed such other general educational requirements as may be prescribed by the board.

Section 4. A new section of KRS Chapter 314 is created to read as follows:

(1) There is hereby created the Kentucky State Board of Examiners for Licensed Practical Nurses. The Governor shall appoint seven citizens of the Commonwealth who shall constitute the board and who shall be charged with the duty of administering the provisions of this Act. Of the seven members so appointed three shall be licensed practical nurses, two of whom shall be graduates of an approved school of practical nursing, and all of whom shall have had not less than five years' experience as licensed practical nurses; one shall be a registered professional nurse, who shall be experienced in practical nurse education; one shall be a doctor of medicine; one shall be a hospital administrator actively engaged as such in this state and one shall be a vocational educator. Such appointments shall be for terms of four years each, except that in the initial appointments, one licensed practical nurse and one registered professional nurse shall be appointed for a term of four years, one licensed practical nurse and one registered professional nurse shall be appointed for a term of three years, the doctor of medicine shall be appointed for a term of three years, the hospital administrator shall be appointed for a term of two years and the vocational educator shall be appointed for a term of one year. The practical nurses appointed, initially and subsequently, shall be selected by the Governor from a list submitted to him by the Kentucky State Association of Licensed Practical Nurses, and such list shall contain the names of at least two licensed practical nurses for each board member so to be appointed, who shall have been licensed by examination and who shall have not less than five years' experience as a licensed practical

nurse. The doctor of medicine so appointed shall be selected by the Governor from two nominations submitted by the Kentucky State Medical Association; each registered professional nurse so appointed shall be selected by the Governor from two nominations submitted by the Kentucky Nurses Association; the hospital administrator shall be appointed by the Governor from two nominations submitted by the Kentucky Hospital Association; and the vocational educator shall be appointed by the Governor from two nominations submitted by the State Board of Education. Any member of the board may be eligible for reappointment, but no member shall serve more than two successive terms.

(2) The board is hereby authorized to appoint and employ a qualified person to perform the duties of executive secretary and to act as educational advisor to the board. Such secretary shall act under the direction of the board. The board shall furnish the secretary a headquarters and shall provide such office equipment and clerical assistance as the duties of the office may require. The board shall have power to appoint such nurses, deputies, clerks, assistants, inspectors and employes as shall be necessary for the proper exercise of the powers and duties of the board. The compensation and expenses of the members of the board and its appointees and employes shall be paid out of such funds as are allocated to the board in its annual budget. The secretary shall keep the records of proceedings of the board, and shall keep a registry of the names and addresses of all practical nurses registered under this Act, which registry shall be a public record. Said board shall hold not less than four regular meetings each year and such additional meetings at such time and places as the board may determine.

(3) The board is authorized to adopt and, from time to time, to revise such rules and regulations not inconsistent with this Act, as may be necessary to enable it to carry into effect the provisions of this Act. The board shall prescribe curricula and standards for schools and courses preparing persons for licensure under this Act. It shall survey such schools and courses at such times as it may deem necessary. It shall survey and accredit such schools, clinical practice areas and courses as meet the requirements of this Act and of the board. It shall examine, license and renew the license of duly qualified applicants.

(4) The board shall be assigned to the Division of Occupations and Professions on the Executive Department of Finance and Administration pursuant to the provisions of KRS 42.064.

Section 5. A new section of KRS Chapter 314 is created to read as follows:

(1) Any applicant for a license under the provisions of this Act shall pay such fee as the board shall prescribe and except as hereinafter provided, shall be required to pass a written examination in such subjects as the board shall determine. Each written examination may be supplemented by such oral or practical examination as the board may deem necessary. The board shall determine the times and places for the examination. Notices of examination shall be sent by mail to each person known by the secretary to be an applicant for an examination or registration at least thirty (30) days prior to any such scheduled examination. Upon the applicant's successful completion of an appropriate examination as prescribed by the board and satisfaction of the other requirements of this Act, the board shall issue to the applicant a license to practical nursing.

(2) The board shall issue a license by endorsement to any applicant who has been duly licensed or registered as such, or to a person entitled to perform similar services under a different title, in another state, territory or foreign county if, in the opinion of the board, the applicant meets the other requirements for licensed practical nurses in this state. On or before June 13, 1974, any practical nurse who exhibits proof, satisfactory to the board, that he or she has been engaged in practical nursing in this state for a period of three years shall be issued a license by waiver of the board, which shall be so designated on its face.

(3) Any person obtaining a license by waiver who has completed extension courses equal in theory to those for the graduate practical nurses, as determined by the board, may at any time thereafter take the examination prescribed by the board for graduate practical nurses and obtain a license without the designation of "waiver" thereon.

Section 6. A new section of KRS Chapter 314 is created to read as follows:

(1) The license of every person licensed under the provisions of this Act shall expire on June 13, next following the date of license. In order for such license to be renewed, the licensee shall comply with such rules and regulations of the board as are applicable to renewals. The renewal fee for all licenses shall be set by the board. Upon receipt of the renewal fee the board shall issue to the licensee a certificate of renewal for the current year, beginning July 1, and expiring June 13, of the following year. Such certificate shall render the holder thereof a legal practitioner for the period stated on the certificate of renewal.

(2) Any licensee who allows his or her license to lapse by failing to renew the license as provided above may be reinstated by the board on satisfactory explanation for such failure to renew his or her license and on payment of a reinstatment fee, in addition to the renewal fee established by the board.

(3) A person licensed under the provisions of this Act desiring to retire from practice temporarily shall give written notice of such desire to the board. Upon receipt of such notice the board shall place the name of such person upon the non-practicing list. While remaining on this list the person shall not be subject to the payment of any renewal fees and shall not practice as a licensed practical nurse in the state. When such person desires to resume practice, application for renewal of license and payment of the renewal fee for the

current year shall be made to the board.

Section 7. A new section of KRS Chapter 314 is created to read as follows:

(1) The board shall prescribe curricula and standards for schools, clinical practice areas and courses preparing persons for licensure under this Act; it shall provide for surveys of such schools, clincial practice areas and courses at such times as it may deem necessary. It shall accredit such schools, clinical practice areas and courses as meet the requirements of this Act and of the board. An institution desiring to conduct a school of practical nursing to be accredited by the board as such shall file an application therefor with the board; together with the information required and such fee as may be prescribed by the board. It shall submit satisfactory evidence that: (a) it is prepared to give the course of instruction and practical experience in practical nursing as prescribed in the curricula adopted by the board; and (b) it is prepared to meet other standards established by this law and by the board.

(2) A survey of the institution or institutions, with which the school is to be, or is, affiliated, shall be made by the executive secretary of the board. The executive secretary shall submit a written report of the survey to the board. If, in the opinion of the board, the requirements for an accredited school of practical nursing are met, it shall approve the school as an accredited school of practical nursing. From time to time as deemed necessary by the board, it shall be the duty of the board, through its executive secretary, to survey all schools of practical nursing in the state. Written reports of such surveys shall be submitted to the board. If the board determines that any accredited school of practical nursing is not maintaining the standards required by the statutes and by the board, notice thereof in writing specifying the defect or defects shall be immediately given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be removed from the list of accredited schools of practical nursing and shall be in violation of this Act.

(3) Nothing contained in this Act shall infringe upon the rights or power of the state board of education, or county board of education to establish and conduct a program of practical nurses, education or other health occupation as long as the prescribed curricula meets the requirements of the board.

Section 8. A new section of KRS Chapter 314 is created to read as follows:

The provisions of this Act shall not be construed as prohibiting:

(1) The care of a sick, disabled, injured, crippled or infirm person by a memeber or members of such persons' family, or by close relatives, or by domestic servants, housekeepers or household aides thereof, whether employed regularly or because of energy circumstances due to illness or other disabilities.

(2) The work and services of auxiliary hospital personnel, such as nursing aides, maids, orderlies, technicians, volunteer workers and other like hospital employes.

(3) Practical nursing by students enrolled in accredited schools for practical nursing incidental to their course of study.

(4) Practice of nursing in this state by any legally qualified practical nurse of another state or country for a period not to exceed six months or whose engagement requires such practical nurse to accompany and care for a patient temporarily residing in this state during the period of such engagement.

(5) Nursing services rendered by a graduate of an approved school of practical nursing working under qualified supervision during the period between completion of his or her course of nursing education and notification of the results of the first licensing examination following graduation. In cases of hardship and upon petition to the board, the board may grant an extension of such period to such graduate.

Section 9. A new section of KRS Chapter 314 is created to read as follows:

The board shall have the right to refuse to admit an applicant for the licensure examination for the hereinafter stated reasons, and the power to revoke or suspend any license to practice nursing issued by the board in accordance with the provisions of this Act, or to otherwise discipline a licensee upon satisfactory proof that the person: (1) is guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing; or (2) is convicted of a felony; or (3) is habitually intemperate or is addicted to the use of habit-forming drugs; or (4) is mentally incompetent; or (5) who practices or attempts to practice without a license or who wilfully or repeatedly violates any of the provisions of this Act.

Section 10. A new section of KRS Chapter 314 is created to read as follows:

(1) The board shall not suspend, revoke or refuse to renew a license except after a hearing held before the board upon notice to the person charged. The notice shall be in writing, shall state the nature of the charges, the time and place of the hearing, and shall be served on the person charged by registered mail not less than thirty (30) days prior to the date of the hearing.

(2) The person charged may appear in person or by counsel, may testify and may produce evidence and witnesses on his own behalf, may cross examine witnesses, and shall be entitled, on application to the board, to the issuance of subpoenas to compel the attendance of witnesses and the production of documentary evidence.

(3) The board, or its duly authorized representative on its behalf, shall have authority to issue subpoenas to compel the attendance of witnesses and the production of documents and may administer oath. The board may invoke the aid of the circuit court for the county in which the hearing is held to enforce compliance with its subpoenas.

(4) A stenographic or mechanical record of the hearing shall be taken, and a transcript shall be preserved by the board.

(5) The decision of the board shall be by majority vote thereof.

(6) A copy of the board's order shall be sent by registered mail to the person charged at his last known address.

(7) The board may grant a rehearing when new and material evidence is offered for its consideration.

(8) Any person aggrieved by a final order of the board may within thirty (30) days of the entry of the order, appeal to the circuit court for the county in which he resides. The appeal shall be determined by the court upon the certified record and no new or additional evidence shall be heard or considered by the court. An appeal may be taken from the judgment of the circuit court on any such appeal to the Court of Appeals in accordance with the Rules of Civil Procedure.

Section 11. A new section of KRS Chapter 314 is created to read as follows:

When it appears to the board that a person is violating any provision of this Act, the board may institute, in its own name, in a court of competent jurisdiction, a proceeding to restrain and enjoin the violation without regard to whether proceedings have been, or may be instituted under other provisions of this Act. The board or any member thereof, shall not be required to furnish bond for any costs or filing fees in connection with the proceeding.

Section 12. A new section of KRS Chapter 314 is created to read as follows:

All fees and other charges received by the board under this Act shall be deposited in the state treasury and credited to a separate trust and agency account for the board. The moneys so deposited shall be used to finance the board, and are hereby appropriated to the board. All salaries and expenses shall be paid as budgeted after budgets have been approved by the state budget commission or within the limitations of any appropriation for that purpose which may be included in the General Appropriations Act.

Section 13. A new section of KRS Chapter 314 is created to read as follows:

Any person who sells or fraudulently obtains or furnishes any nursing diploma, license or record or aids or abets therein; or practices practical nursing unless duly licensed to do so under the provisions of this Act; or uses in connection with his or her name any designation tending to imply that he or she is a licensed practical nurse unless duly licensed so to practice under the provisions of this Act; or practices practical nursing during the time his or her license is suspended, lapsed or revoked; or conducts a school of practical nursing or a course for training of practical nurses unless the school or course has been accredited by the board or otherwise violates any provisions of this Act shall be fined not less than twenty-five dollars ($25) nor more than one hundred dollars ($100).

Section 14. KRS 314.141 is hereby repealed.

The Committee Amendment to **HB 835** is as follows:

Amend printed copy of House Bill 835 page 1, beginning with line 1, delete all of pages 1 through 15 and insert in lieu thereof the following:

Section 1. KRS 314.212 is amended to read as follows:

(1) The governor shall appoint a board of nursing education and nurse registration consisting of *ten (10)* [seven (7)] members: Provided, however, That the present members of the board shall continue to serve until their respective terms expire or until their successors have been appointed and qualified. Each appointment shall be for a term of four (4) year. *The Board shall consist of seven (7) members who shall be each a registered nurse and of three (3) members who shall be each a licensed practical nurse.* At least three (3) months before the expiration of the term of any member of the board, the Kentucky Nurses Association, *in the instance where the appointment is to be a registered nurse and the Kentucky State Association of Licensed Practical Nurses, in the instance where the appointment is to be a licensed practical nurse,* shall submit to the governor a list of members qualified for appointment, in number not less than twice the number of appointments to be made, from which list the governor shall make each appointment or appointments as necessary.

(2) A vacancy on the board shall be filled by the governor from the list of names submitted under subsection (1).

(3) The governor may remove any member from the board for neglect of duty, incompetence, or unprofessional or dishonorable conduct.

(4) Each member of the board *appointed from the list submitted by the Kentucky Nurses Association* shall be a citizen of the United States, a resident of Kentucky, a graduate of an accredited school of nursing, a registered nurse in this state and hold at least a bachelor's degree in nursing and in addition, shall have had at least five (5) years of experience, three (3) of which shall immediately precede such appointment in administration or teaching in schools of nursing or administration or supervision in nursing service. At least one (1) member of the board shall be a registered nurse faculty member of an approved school of practical nursing.

(5) The governor shall appoint an advisory council to the board consisting of seven (7) members to be selected one (1) each from lists submitted by Kentucky Medical Association, Kentucky Hospital Association, Kentucky Nursing Home Association, Kentucky Nurses Association, Kentucky State Association of Licensed Practical Nurses, Kentucky Dental Association and Kentucky Pharmaceutical Association. The council shall function in an advisory capacity only as a constructive force in establishing and maintaining standards of nursing and licensure regulations in the interest of public protection, and, in this connection shall be provided with copies of any proposed regulations of the board at least thirty (30) days prior to their filing with the Legislative Research Commission.

(6) Each member of the board appointed from the list submitted by the Kentucky Association of Licensed Practical Nurses shall be a citizen of the United States, a resident of Kentucky and shall have had at least five years experience as a licensed practical nurse.

Section 2. KRS 314.141 is repealed.

The Speaker appointed the following Conference Committee in regard to **SB 135:** Representatives Benson, Overstreet, and Kidd.

The Speaker appointed the following Conference Committee in regard to **HCR 29:** Representatives Lewis, Priddy, Richardson, Kafoglis, and Dunn.

The following members filed Floor Amendment to bills: Representative Clarke, No. 2 to **SB 236;** Representative Swinford, No. 2 to **SB 281;** Representative Swinford, No. 1 to **SB 281;** Representative Hughes, No. 9 to **SB 206;** Representative Hughes, No. 10 to **SB 206;** Representative Hopkins, No. 1 to **SB 236;** Representative Reynolds, No. 1 to **HB 469;** Representative Karem, No. 1 to **SB 99;** Representative Karem, No. 1 to **SB 205;** Representative Overstreet, No. 1 to **HB 417;** Representative Morgan, No. 2 to **SB 194;** Representative Clarke, No. 1 to **SB 223;** Representative Clarke, No. 1 to **HB 785;** Representative Louden, No. 1 to **SB 215;** Representative Clarke, No. 1 to **SB 210;** Representative Kenton, No. 1 to **SB 94.**

Adjournment

Representative Swinford moved that the House adjourn until 10:00 A.M., Friday, March 15, 1974. Agreed.

MARCH 15, 1974

FIFTY-FOURTH LEGISLATIVE DAY

The House was called to order by Speaker Blume.

Prayer by the Reverend Beryl Spross, Church of the Nazarene, Frankfort,

The roll was called. All present except Representatives Allen, E. Brown, Harris, Holloway and Smith.

Representative Isler moved that absent members be granted leave of absence in accordance with the rules of the House. Agreed.

The following members filed excuses: Representatives Allen, E. Brown, Harris, Holloway and Smith.

Representative Hughes moved that the reading of the Journal of March 14, 1974, be dispensed with and the same approved. Agreed.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Banking and Insurance: **SB 301.**

Education: **SB 323.**

Elections and Constitutional Amendments: **SB 220.**

Health and Welfare: **SB 241.**

Judiciary: **SB 324.**

Labor and Industry: **SB 5, SB 289.**

State Government: **SB 244, SB 199, SB 343.**

Report of Committees

The Committee on Rules reported the following Bills and Resolutions have been posted for passage in Orders of the Day, March 15, 1974: **HB 724** with Committee Amendment attached thereto, **HB 419, HB 458, HB 677, HB 752, HB 778, HB 789, HCR 52, HB 143,** with Committee Amendment attached thereto, **HB 256, HB 469, HB 526** with Committee Amendment attached thereto, **HB 574, HB 584, HB 604, HB 607, HB 657, HB 737, HB 746, HB 754, HB 770, HB 793** with Committee Amendment attached thereto, **HB 799, HB 800** with Committee Amendment attached thereto, **SB 219, SB 223, SB 226, SB 230, SB 249, SB 255, SB 257, SB 263, SB 280** with Committee Amendment attached thereto, **SB 281, HB 813, HB 820, HB 823** with Committee Amendment attached thereto, **HB 826, HB 848, HB 862, HR 42, HR 76, SB 30, SB 46, SB 56, SB 58, SB 130, SB 143, SB 158, SB 165, SB 179, SB 181, SB 182, SB 183, SB 194** with Committee Amendment attached thereto, **SB 203, SB 204,** and **SB 210.**

The Committee on Rules reported **HB 374** has been recommitted to the Committee on Judiciary for further study.

The Committee on Rules reported **HB 681** has been recommitted to the Committee on Judiciary for study of form and legality.

The Committee on Rules reported **HB 417** has been recommitted to the Committee on Appropriations and Revenue for fiscal analysis.

The Committee on Banking and Insurance reported **SB 291** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

SB 291, AN ACT relating to declaration of days of mourning by the Governor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 2 is created to read as follows:
The Governor is authorized to declare a day of mourning in the Commonwealth of Kentucky on suitable and appropriate occasions. Such declaration of a day of mourning shall in no way affect the operation of banks and trust companies, public schools, public offices, state agencies or any other segment of public or private endeavor in the state.

The Committee on Judiciary reported **SB 100,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee on Judiciary reported **HB 797** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 797, AN ACT relating to peace bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 431 is created to read as follows:
A person may be arrested for the purpose of requiring of him security to keep the peace, or for his good behavior, in the following cases:
(1) Upon the complaint on oath, of a person threatened, to a magistrate, that the defendant has threatened to commit an offense against his person or property, and upon the magistrate being satisfied, by examination on oath of the complainant or others, that there are reasonable grounds to fear the commission of the offense threatened.
(2) Upon information given on oath to a magistrate, by any person, that the defendant is about to commit violence endangering human life, or is about to commit an offense amounting to a felony, and the magistrate being satisfied, by an examination on oath of the informant or others, that there are reasonable grounds for apprehending the commission of such violence or felony.
(3) If a magistrate or court be satisfied, by the conduct or words of a person in the presence of such magistrate or court, or from proof given before such magistrate or court, that there are reasonable grounds for apprehending that such person will commit an offense against the person or property of another.
Section 2. A new section of KRS Chapter 431 is created to read as follows:
If the defendant be in the presence of the court or magistrate, a peace officer shall be verbally directed by the court or magistrate to take him into custody. If not in the presence of the magistrate, he shall issue a warrant of arrest, directed to any peace officer of the county, or city, or town, commanding him to arrest the defendant and bring him before the magistrate. The complaint, information or proof shall be briefly recited in the warrant.
Section 3. A new section of KRS Chapter 431 is created to read as follows:
Upon the defendant being brought before the magistrate, or being taken into custody by order of a court or magistrate, the court or magistrate shall hear the evidence which may be produced on either side; and if satisfied that there are reasonable grounds for apprehending that the defendant will commit an offense against the person or property of another, or will commit violence endangering human life, or an offense amounting to felony, may require of him surety to keep the peace, or for his good behavior, in a sum not exceeding five thousand dollars, if human life be endangered, or one thousand dollars in other cases; and in default of giving such surety, may commit the defendant to jail, for a period not exceeding three months, unless he shall, in the meantime, give such surety.
Section 4. A new section of KRS Chapter 431 is created to read as follows:
The security required by a circuit, county or police court may be for keeping the peace, or for good behavior, for any length of time not exceeding one year. If it be required by a magistrate, it shall be for keeping the peace, or for good behavior, until the defendant shall appear before the circuit court of the county, on the first day of its next term, before which court the defendant shall also be bound, with surety, to appear, and not depart without leave of the court.
Section 5. A new section of KRS Chapter 431 is created to read as follows:
The magistrate shall return the bond of the defendant and his surety for his appearance and keeping the peace, to the clerk of the circuit court, before its next term.
Section 6. A new section of KRS Chapter 431 is created to read as follows:
Upon the defendant appearing, the court shall examine the case, and either discharge the defendant or require surety to keep the peace, or for his good behavior, for a period not exceeding one year; and, in default of giving such surety, may commit the defendant to jail for a period to be fixed by the court, not exceeding

three months, unless he shall, in the meantime, give security. If a defendant be committed to jail for failure to give bond as above provided, the cause of commitment, and the sum in which he is required to give security, shall be stated in the written order of commitment, which shall be delivered to the jailer.

Section 7. A new section of KRS Chapter 431 is created to read as follows:

Any magistrate or court of the county may take the surety required by the foregoing provisions of a defendant committed to jail, for default of given such security.

Section 8. A new section of KRS Chapter 431 is created to read as follows:

If the proceedings be taken upon the complaint of the person threatened, if he fails to appear before the court or magistrate, the defendant shall be discharged.

Section 9. A new section of KRS Chapter 431 is created to read as follows:

Unless the court or magistrate be satisfied that there are reasonable grounds for believing that the defendant will commit an offense against the person or property of another, or commit violence endangering human life, or an offense amounting to felony, he shall be discharged.

Section 10. A new section of KRS Chapter 431 is created to read as follows:

The following are breaches of the bond required in this Act:

(1) The failure of the defendant to appear in the circuit court, if the bond require such appearance, or departing therefrom before he is lawfully discharged.

(2) A judicial conviction of the defendant of an offense involving a breach of the peace, within the period specified in the bond.

(3) A judicial conviction of the defendant of a felony within the time specified in the bond, if the bond be for his good behavior.

Section 11. A new section of KRS Chapter 431 is created to read as follows:

The attorney for the Commonwealth may proceed by action, in the name of the Commonwealth, against the defendant and his surety, upon a breach of the bond.

Section 12. A new section of KRS Chapter 431 is created to read as follows:

If the security required in Sections 1 through 12, inclusive, of this Act, be given in court, it may be by a recognizance entered into in open court, and entered upon the records by the clerk.

Section 13. Sections 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, and 393 of the Code of Practice in Criminal Cases are repealed.

The Committee on State Government reported **SB 343** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 343, AN ACT relating to the legislative branch of government.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 7.090 is amended to read as follows:

(1) There is hereby created a legislative research commission composed of the lieutenant governor, the president pro tem of the senate, the speaker of the house of representatives, the speaker pro tempore of the house of representatives, the majority and minority floor leaders of the senate and the house of representatives, the majority and minority party whip of the senate, the majority and minority party whip of the house, and the majority and minority caucus chairmen of the senate and house of representatives. Any vacancy in the commission shall be filled by the remaining members thereof, Provided, if the vacancy is in the membership of the house of representatives then the successor shall be from the house, and if the vacancy is from the senate membership of the commission then the successor shall be from the senate. A member thus elected to fill any vacancy shall hold office for the unexpired term of his predecessor. The lieutenant governor shall be ex-officio chairman of the commission.

(2) The legislative research commission shall meet during regular and special sessions of the general assembly, and during the intervals between sessions at such times and places as the chairman may determine. Meetings of the commission shall be called by the chairman on his own initiative, or at the written request of any three (3) members of the commission. For attending meetings between sessions, whether regular or special, of the general assembly, the members of the commission, or any subcommittee thereof, shall be paid their necessary traveling expenses and in addition thereto twenty-five dollars ($25.00) per day.

(3) The commission shall appoint a director, who shall have had graduate training in government in a recognized university or college or practical experience in governmental administration, and who shall hold office at the pleasure of the commission. The salary of the director shall be determined by the commission. The commission shall have exclusive jurisdiction over the employment of such personnel as may be necessary

to effectuate the provisions of KRS 7.090 to 7.110.

(4) Any professional, clerical or other employes required by any committee appointed by the general assembly shall be provided to the committee by the legislative research commission. The chairman of the committee shall advise the director of the legislative research commission of his need for such personnel. In the event that the personnel required by any committee cannot be met by the staff of the legislative research commission, the director shall employ such personnel as necessary to meet the needs of the committee, and shall fix the rate of compensation of such employes.

(5) The director shall, at the discretion of the commission and under its supervision and control, provide for the allocation of the work and activities of all employes of the commission.

(6) The commission may, in effectuating the provisions of KRS 7.090 to 7.110, contract with any public or private agency or educational institution or any individual for research studies, the gathering of information or the printing and publication of its reports.

(7) The Legislative Research Commission shall constitute administrative offices for the General Assembly and the Director shall serve as administrative officer for the Assembly when it is not otherwise in session.

Section 2. KRS 13.097 is amended to read as follows:

The Kentucky Administrative Regulations Service shall be prepared under the direct supervision of an *employe* [attorney] appointed by the director of the legislative research commission and designated the regulations compiler. The director shall cause to be prepared a certificate to the effect that the text of the regulations as printed in this service is correct. One copy of the Kentucky Administrative Regulations Service with the original certificate therein shall be maintained in the office of the secretary of state. All other copies shall contain a printed copy of the certificate and shall constitute prima facie evidence of the law in all courts and proceedings.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for consideration.

State Government: **SB 343, SB 244, SB 199.**

Recommended Consent Calendar

SB 208, HB 647, HB 811, HR 84, SB 200, SB 99, SB 205, SB 267, SB 275, HB 370, HB 610, HB 612, HB 673, HB 186, HB 864, SB 64, SB 106, SB 159, SB 176, SB 177, SB 224, SB 225, HB 768, HB 860, HB 732, HB 796, HB 299, HB 548, SB 2 taken from the Recommended Consent Calendar and ordered read at length for the second time. Representative Swinford moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Calendar

HR 96, SB 72, SB 236, HB 245, HB 865, HB 328, SB 264, SB 298, SB 295, HB 387, SB 175, SB 234, HB 599, SB 146, HB 465, SB 127, SB 247, SB 250, SB 252, HB 659, HB 649, HB 760, SB 274, HB 769 with Committee Amendment attached thereto, **HB 835,** and **HB 705** taken from the Calendar and ordered read at length for the second time. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Motions, Petitions and Communications

Representative Givhan filed the following Minority Report for the Committee on Judiciary concerning the petition of Mr. H. P. Willoughby for the impeachment of Circuit Judge Armand Angelucci:

Minority Report
Judiciary Committee of the House of Representatives

I respectfully descent from the Committee Report concerning the petition of Mr. H. P. Willoughby for the impeachment of Circuit Judge Armand Angelucci, but concur with the opinion that the grounds stated in the petition do not charge that an impeachable misdemeanor in office has been committed by Judge

Angelucci.

No rule for proceeding in impeachment has been established by the House. A copy of proposed rules for such proceeding, in rough draft form, is attached as part of this descent.

I do not believe Mr. Willoughby has received due process. He has been given no hearing or opportunity to present his petition and no rules of procedure have been established.

Representative Swinford moved that the rules be suspended to go to the next order of business. Agreed.

Orders of the Day

Representative Beshear moved that **HB 800,** with Committee Amendment attached thereto, be taken from Consent Orders of the Day and placed in regular Orders of the Day. Agreed.

Senate Message

Announcing passage of **SB 331, SB 332, HB 138, HB 268, HB 305,** and **HB 544** with Amendment.

Orders of the Day (continued)

Representative Morgan moved that **HB 813** be taken from the Consent Orders of the Day and placed in regular Orders of the Day. Agreed.

Representative King moved that **HB 848** be taken from the Consent Orders of the Day and placed in regular Orders of the Day. Agreed.

Representative Blandford moved that the rules be suspended for a recommendation. Agreed.

Representative Blandford moved that **HB 17** be recommitted to the Committee on Agriculture. Agreed.

Representative Swinford moved that consideration of **HB 527, HB 693, HB 709, HB 718,** and **HB 44** be deferred and that they retain their position in Orders of the Day. Agreed.

HB 454, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Quickert moved the adoption of the Committee Amendment No. 2 to **HB 454.** Agreed.

Representative Quickert moved the adoption of the following Floor Amendment No. 1 to **HB 454:**

Amend printed copy of House Bill 454 page 10, line 20 through 26, inclusive to delete the same and on page 11, line 1, to delete the same and on page 11, lines 11, 16, and 22, to renumber the sections to conform and on page 12, line 8, to renumber the section to conform and on page 13, line 17, to renumber the section to conform and on page 14, lines, 13, 19, and 20, to renumber the sections to conform

Agreed.

Representative Quickert moved that **HB 454** as amended be placed upon its passage.

On the roll call the vote was yeas 50-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, Burch, Chandler, Clarke, Crupper, Dawahare, Denham, Dunn, Foster, Graves, Guenthner, Hancock, Hardin, Hinkle, Hislope, Holbrook, Isler, Kenton, Kidd, King, Kleier, Lewis, Lindsay, May, Maynard, McBee, McBrayer, McBride, McGill, O'Brien, Paxton, Priddy, Quickert, Reynolds, Romines, Schmaedecke,

Schmidt, Sharpe, Siemens, Stephens, Swinford, Wells, Wible. Nays 23-Bruce, Davis, DeMarcus, Hellard, Hopkins, Hughes, Kafolgis, Karem, Little, Louden, Mann, Mason, Overstreet, Pearman, Richardson, Robinson, Stone, Troop, Turner, VanHorn, Vincent, J. White, Whitfield.

HB 454 as amended was passed and that title agreed to.

Representative Swinford moved that the vote by which **HB 454** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that **SB 91** be deferred and that it retain its position in Orders of the Day. Agreed.

SB 94 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kenton moved the adoption of the following Floor Amendment No. 1 to **SB 94:**

Amend printed copy of Senate Bill 94 page 2, line 23, after the word "council" insert the words "appointed by the Governor" and on page 3, line 5, insert the following: "(c) A member of the House of Representatives and a member from the Senate shall be appointed to the council by the Legislative Research Commission." and on page 3, line 5, cause section (c) to become section "(d)"

Agreed.

Representative Kenton moved that **SB 94** as amended be placed upon its passage.

On the roll call the vote was yeas 73-Adams, Arnold, Bennett, Benson, Beshear, Blume, Blythe, Bowles, Brewer, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Graves, Hardin, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Little, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Paxton, Priddy, Quickert, Rattliff, Reynolds, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Swinford, Turner, VanHorn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 2-Pearman, Stone.

SB 94 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 94** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 44 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Siemens moved that **HB 44** be placed upon its passage.

On the roll call the vote was yeas 72-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Graves, Guenthner, Hardin, Hellard, Hinkle, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Karem, Kidd, King, Kleier, Lindsay, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Overstreet, Paxton, Priddy, Quickert, Rattliff, Reynolds, Roberts, Robinson, Romines, Sale, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Turner, VanHorn, Vincent, Watkins, Whitfield, Wible, Yates. Nays 4-Foster, Hancock, Kafoglis, Little.

HB 44 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 44** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that **HB 658** and **SB 206** be deferred and that they retain their position in Orders of the Day. Agreed.

HB 84, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kleier moved the adoption of the Committee Amendment No. 1 to **HB 84.** Agreed.

Representative Kleier moved that **HB 84** as amended be placed upon its passage.

On the roll call the vote was yeas 73-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Bowles, Brewer, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Isler, Kafoglis, Karem, Kidd, King, Kleier, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, Morgan, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stewart, Stone, Swinford, Turner, VanHorn, Vincent, Watkins, Wells, J. White, Whitfield, Wible, Yates. Nays 5-Hughes, Imes, Lindsay, O'Brien, Robinson.

HB 84 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 84** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 436 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kleier moved that **HB 436** be placed upon its passage.

On the roll call the vote was yeas 70-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Burch, Chandler, Clapp, Crupper, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kidd, King, Kleier, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Overstreet, Paxton, Priddy, Quickert, Rattliff, Reynolds, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Stone, Turner, VanHorn, Vincent, Watkins, Wible, Yates. Nays 2-Clarke, Hellard.

HB 436 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 436** was passed be reconsider and said motion be postponed indefinitely. Agreed.

HB 601 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative VanHorn moved the adoption of the following Floor Amendment No. 1 to **HB 601:**

Amend printed copy of House Bill 601 page 1,

In line 4 Between the words construction and remodeling insert "*or*"

Also in Line 4 after the word remodeling delete (or general)

And in Line 5 delete the 1st word maintenance.

And in Line 9 change the word maintenance to remodeling

Agreed.

Representative VanHorn moved that **HB 601** as amended be placed upon its passage.

On the roll call the vote was yeas 63-Adams, Bennett, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Dawahare, Dietz, Donnermeyer, Dunn, Graves, Hancock, Hardin, Hellard, Hinkle, Holbrook, Hopkins, Hughes, Imes, Isler, Karem, Kenton, Kidd, King, Kleier, Lindsay, Little, Louden, Mann, May, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Reynolds, Roberts, Robinson, Romines, Schmidt, Sharpe, Siemens, Stewart, Swinford, Turner, VanHorn, Watkins, Wells, Wible, Yates. Nays 11-Arnold, Blythe, DeMarcus, Denham, Hislope, Kafoglis, Mason, Rattliff, Stephens, Stone, Vincent.

HB 601 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 601** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 669 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Priddy moved that **HB 669** be placed upon its passage.

On the roll call the vote was yeas 75-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Crupper, Davis, Dawahare, Dietz, Dunn, Foster, Freeman, Gay, Graves, Hancock, Hardin, Hellard, Hinkle, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lindsay, Little, Louden, Mann, Mason, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Stone, Swinford, Troop, Turner, VanHorn, Vincent, J. White, Whitfield, Yates. Nays 0.

HB 669 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 669** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 674 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Dietz moved that **HB 674** be placed upon its passage.

On the roll call the vote was yeas 74-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Crupper, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Hurst, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Louden, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stephens, Stewart, Stone, Swinford, Troop, Turner, VanHorn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Yates. Nays 0.

HB 674 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 674** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 686 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Priddy moved that **HB 686** be placed upon its passage.

On the roll call the vote was yeas 77-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Crupper, Davis, Dawahare, Denham, Dietz,

Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Romines, Sale, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Troop, Turner, VanHorn, Vincent, Watkins, J. White, Wible, Yates. Nays 0.

HB 686 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 686** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 735** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 742 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Chandler moved that **HB 742** be placed upon its passage.

On the roll call the vote was yeas 66-Adams, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Burch, Chandler, Clapp, Crupper, Dawahare, Dietz, Donnermeyer, Dunn, Foster, Graves, Guenthner, Hancock, Hardin, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Pearman, Paxton, Priddy, Reynolds, Richardson, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stewart, Stone, Swinford, Troop, Vincent, G. White, J. White, Whitfield, Wible, Yates. Nays 8-Davis, Denham, Hurst, Imes, Lindsay, Stephens, Turner, VanHorn.

HB 742 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 742** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 744 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Chandler moved the adoption of the following Floor Amendment No. 1 to **HB 744:**

Amend printed copy of House Bill 744 page 1, line 8, by removing the bracket before "The" and on line 10, by removing the bracket after "tie."

Agreed.

Representative Chandler moved that **HB 744** as amended be placed upon its passage.

On the roll call the vote was yeas 63-Adams, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Burch, Chandler, Clapp, Crupper, Dawahare, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Hellard, Holbrook, Hopkins, Isler, Karem, Kenton, Kidd, King, Kleier, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Pearman, Paxton, Priddy, Quickert, Reynolds, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Swinford, Turner, G. White, Wible, Yates. Nays 14-Davis, DeMarcus, Denham, Hurst, Imes, Kafoglis, Lindsay, Overstreet, Rattliff, Richardson, Stone, VanHorn, Vincent, J. White.

HB 744 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 744** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 751** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 759 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Denham moved that **HB 759** be placed upon its passage.

On the roll call the vote was yeas 85-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Givhan, Graves, Guenthner, Hancock, Hardin, Hellard, Hislope, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stepens, Stewart, Stone, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Wells, G. White, J. White, Wible, Yates. Nays 0.

HB 759 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 759** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 775, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swnford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Quickert moved the adoption of the Committee Amendment No. 1 to **HB 775.** Agreed.

Representative Quickert moved that **HB 775** as amended be placed upon its passage.

On the roll call the vote was yeas 72-Bennett, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Burch, Chandler, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Hardin, Hellard, Hislope, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Overstreet, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stewart, Stone, Swinford, Thomas, Troop, Turner, VanHorn, J. White, Wible, Yates. Nays 4-Arnold, Pearman, Stephens, Vincent.

HB 775 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 775** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 785** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 790 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Chandler moved that **HB 790** be placed upon its passage.

On the roll call the vote was yeas 61-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Burch, Chandler, Clapp, Crupper, Dawahare, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hellard, Holbrook, Hopkins, Hughes, Imes, Isler, Karem, Kenton, Kidd, King, Kleier, Lewis, Little, Louden, Mason, May, Maynard, McBee, McBrayer, McGill, Pearman, Paxton, Priddy, Quickert, Richardson, Roberts, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Thomas, Troop, Turner, J. White, Wible, Yates. Nays 9-DeMarcus, Denham, Hislope, Hurst, Kafoglis, Lindsay, Stone, VanHorn, Vincent.

HB 790 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 790** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 751 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mann moved that **HB 751** be placed upon its passage.

On the roll call the vote was yeas 78-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Burch, Chandler, Clarke, Crupper, Davis, Dawahare, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hellard, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, Nett, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, J. White, Whitfield, Wible, Yates. Nays 3-Blythe, Denham, Lindsay.

HB 751 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 751** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 785 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved the adoption of the following Floor Amendment No. 1 to **HB 785:**

Amend printed copy of House Bill 785 page 4, line 15, by deleting line 15 in its entirety and inserting in lieu thereof the following:

"*a tax levy for school purposes excluding special voted building*";

and on line 23, by deleting line 23 in its entirety and inserting in lieu thereof the following:

"*purposes other than special voted building and sinking fund levies*"

Agreed.

Representative Clarke moved that **HB 785** be placed upon its passage as amended.

On the roll call the vote was yeas 36-Bennett, Benson, Blume, Blythe, Burch, Chandler, Clarke, Crupper, Dawahare, Denham, Dunn, Graves, Hellard, Holbrook, Hopkins, Kafoglis, Karem, Kenton, Kidd, King, Kleier, McBee, McGill, Nett, O'Brien, Priddy, Quickert, Reynolds, Romines, Siemens, Swinford, Troop, Vincent, Wells, Wible, Yates. Nay 32-Arnold, Brewer, R. Brown, Bruce, Clapp, Davis, DeMarcus, Dietz, Donnermeyer, Hardin, Hislope, Hughes, Imes, Isler, Lewis, Little, Mann, Mason, Overstreet, Pearman, Richardson, Roberts, Robinson, Sharpe, Stephens, Stewart, Stone, Thomas, Turner, VanHorn, J. White, Whitfield.

HB 785 as amended was defeated.

The Speaker vacated the Chair, Speaker Pro Tempore presiding.

HB 802 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Priddy moved that **HB 802** be placed upon its passage.

On the roll call the vote was yeas 50-Bennett, Benson, Blandford, Blume, Burch, Chandler, Clapp, Clarke, Crupper, Dawahare, Dietz, Donnermeyer, Dunn, Freeman, Givhan, Graves, Hinkle, Isler, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Little, Louden, Mann, Mason, Maynard, McBee, McBride, McGill, Morgan, Pearman, Paxton, Priddy, Reynolds, Romines, Siemens, Smith, Stewart, Stone, Swinford, Thomas, Turner, Vincent, Watkins, J. White, Wible, Yates. Nays 33-Arnold, Beshear, Blythe, Brewer, R. Brown, Davis, DeMarcus, Denham, Guenthner, Hancock, Hardin, Hellard, Hislope, Holbrook, Hopkins, Hughes, Hurst, Lindsay, McBrayer, Nett, O'Brien, Overstreet, Rattliff, Richardson, Roberts, Robinson, Sale, Sharpe, Stephens, Troop, VanHorn, Wells, Whitfield.

HB 802 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 802** Was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 817 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved that **HB 817** be placed upon its passage.

On the roll call the vote was yeas 42-Bennett, Benson, Beshear, Blume, Blythe, Brewer, Burch, Chandler, Clapp, Clarke, Donnermeyer, Guenthner, Hellard, Hughes, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Mann, Mason, Maynard, McBrayer, McBride, Morgan, Nett, o'Brien, Pearman, Paxton, Rattliff, Reynolds, Richardson, Sale, Schmaedecke, Schmidt, Siemens, Swinford, Watkins, Wells, Wible, Yates. Nays 38-Adams, Arnold, Blandford, R. Brown, Bruce, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Dunn, Freeman, Hancock, Hardin, Hinkle, Hislope, Holbrook, Hopkins, Isler, Lindsay, Little, Louden, May, McBee, Overstreet, Priddy, Roberts, Robinson, Sharpe, Smith, Stephens, Stewart, Stone, Troop, Turner, VanHorn, J. White.

HB 817 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 817** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 594** be deferred and that it retain its position in Orders of the Day. Agreed.

SB 91 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wible moved that **SB 91** be placed upon its passage.

On the roll call the vote was yeas 76-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Hancock, Hardin, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Roberts, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, VanHorn, Watkins, J. White, Wible, Yates. Nays 1-Whitfield.

SB 91 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 91** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Recess

Representative Swinford moved that the House recess until 12:45. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (continued)

HB 822 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved that **HB 822** be placed upon its passage.

On the roll call the vote was yeas 68-Arnold, Bennett, Beshear, Blandford, Blume, Blythe, R. Brown, Bruce, Burch, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Hopkins, Hughes, Imes, Isler, Kenton, Kidd, King, Lewis, Little, Louden, Mann, Mason, May, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Paxton, Priddy, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Wells, J. White, Yates. Nays 0.

HB 822 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 822** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 824 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hellard moved that **HB 824** be placed upon its passage.

On the roll call the vote was yeas 72-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Little, Louden, Mann, Mason, May, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Paxton, Priddy, Richardson, Roberts, Robinson, Romines, Schmaedecke, Sharpe, Siemens, Stewart, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Wells, J. White, Whitfield, Wible, Yates. Nays 1-DeMarcus.

HB 824 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 824** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative VanHorn moved that the vote by which **HB 785** was defeated be reconsidered and said motion be postponed indefinitely.

On the roll call the vote was yeas 21-Bennett, Brewer, R. Brown, Bruce, Clapp, Dunn, Head, Hinkle, Hughes, Isler, Little, Louden, Mason, Roberts, Robinson, Stewart, Turner, VanHorn, Watkins, J. White, Whitfield. Nays 43-Adams, Arnold, Benson, Beshear, Blandford, Blume, Blythe, Burch, Chandler, Clarke, Denham, Dietz, Donnermeyer, Foster, Hancock, Hardin, Hellard, Hopkins, Hurst, Kafoglis, Karem, Kenton, Kidd, Kleier, Lindsay, Mann, May, McBrayer, McGill, Nett, O'Brien, Paxton, Reynolds, Sale, Schmaedecke, Siemens, Swinford, Thomas, Troop, Vincent, Wells, Wible, Yates.

The motion that the vote by which **HB 785** was defeated be reconsidered and said motion be postponed indefinitely was rejected.

HB 834 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kenton moved that **HB 834** be placed upon its passage.

On the roll call the vote was yeas 68-Bennett, Benson, Beshear, Blandford, Blume, Blythe, Burch, Chandler, Clapp, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Paxton, Reynolds, Richardson, Roberts, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stewart, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 1-DeMarcus.

HB 834 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 834** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HR 75 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 74-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Burch, Chandler, Clapp, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Givhan, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kidd, King, Kleier, Lewis, Lindsay, Little, Mason, May, Maynard, McBee, McBrayer, McGill, Nett, O'Brien, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Watkins, Wells, J. White, Whitfield, Wible, Yates. Nays 0.

HR 75 was adopted and the title agreed to.

Representative Swinford moved that the vote by which **HR 75** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

HR 87 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Yates moved the adoption of **HR 87.**

On the roll call the vote was yeas 72-Arnold, Bennett, Beshear, Blandford, Blume, Blythe, R. Brown, Burch, Chandler, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Hancock, Hardin, Hellard, Hinkle, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Paxton, Priddy, Reynolds, Richardson, Roberts, Robinson, Romines, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Watkins, G. WHite, J. White, Whitfield, Wible, Yates. Nays-1-Head.

HR 87 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HR 87** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HCR 94 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hancock moved the adoption of **HCR 94.**

On the roll call the vote was yeas 71-Arnold, Bennett, Beshear, Blandford, Blume, Blythe, R. Brown, Burch, Chandler, Clarke, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Hancock, Hardin, Head, Hellard, Hinkle, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, O'Brien, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, G. White, J. White, Whitfield, Wible, Yates. Nays 0.

HCR 94 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HCR 94** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Stephens moved that the vote by which **HB 785** was defeated be reconsidered.

On the roll call the vote was yeas 45-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Burch, Chandler, Clarke, Dawahare, Denham, Dunn, Foster, Hancock, Hardin, Hellard, Hopkins, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, Kleier, Lindsay, Mann, May, McBee, McBrayer, McGill, Nett, O'Brien, Paxton, Priddy, Quickert, Reynolds, Siemens, Stephens, Stewart, Swinford, Vincent, Watkins, Wible, Yates. Nays 16-R. Brown, Bruce, Davis, DeMarcus, Hughes, Little, Louden, Mason, Roberts, Robinson, Schmidt, Smith, Turner, VanHorn, J. White, Whitfield.

The motion that the vote by which **HB 785** was defeated be reconsidered was adopted.

Representative Clarke moved that consideration of **HB 785** be deferred and that it retain its position in Orders of the Day. Agreed.

SB 110 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative O'Brien moved that **SB 110** be placed upon its passage.

On the roll call the vote was yeas 74-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Burch, Chandler, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, Maynard, McBee, McBrayer, McGill, Nett, O'Brien, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stewart, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 0.

SB 110 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 110** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 124 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Little moved that **SB 124** be placed upon its passage.

On the roll call the vote was yeas 58-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Burch, Chandler, Clarke, Davis, Dawahare, Dietz, Dunn, Foster, Head, Hellard, Hinkle, Holbrook, Hughes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Mann, Mason, Maynard, McBee, McBrayer, McGill, Morgan, Nett, Paxton, Priddy, Reynolds, Richardson, Roberts, Robinson, Romines, Schmaedecke, Schmidt, Siemens, Stewart, Swinford, Troop, Turner, VanHorn, Vincent, Watkins, Whitfield, Wible, Yates. Nays 10-Blythe, DeMarcus, Denham, Hardin, Hopkins, Imes, O'Brien, Sharpe, Smith, J. White.

SB 124 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 124** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that the rules be suspended for the purpose of receiving a report of the Committee on Judiciary concerning the petition of Mr. H. P. Willoughby. Agreed.

The report filed is as follows:

Report of the Judiciary Committee
of the
House of Representatives

The Judiciary Committee to which was referred the petition of Mr. H.P. Willoughby for the impeachment of Circuit Judge Armand Angelucci, hereby reports as follows:

(1) The Committee met and designated a subcommittee of its members, consisting of Representatives David K. Karem, W. L. Schmaedecke and Bob Benson, to review and investigate the petition and exhibits to determine if the facts alleged were sufficient grounds upon which to base Articles of Impeachment.

(2) The Committee has met and approved and adopted the report of its subcommittee, which report is attached hereto as Exhibit A, and incorporated herein by reference.

(3) The Committee reports that it finds no grounds alleged in the petition and related materials which should give rise to the preparation of Articles of Impeachment, accordingly it recommends that the House of Representatives take no further action with regard to the petition and that the Judiciary Committee be directed to take no further action on the matter.

Endorsed by Representative Quickert, Chairman
Representative Schmaedecke
Representative Holbrook
Representative Beshear
Representative Karem
Representative Troop
Representative Benson
Representative McGill
Representative Richardson

Report of House Judiciary Subcommittee
appointed to investigate Willoughby V. Angelucci
petition for impeachment.

After judicious examination of the above styled petition for impeachment and all supporting documents filed therewith, the Subcommittee finds that there is no merit in the claims of H. P. Willoughby against Judge Armand Angelucci and that Judge Angelucci has committed no misdemeanor or neglect of duty in office upon which an impeachment may be based.

The Subcommittee therefore recommends to the House Judiciary Committee that the petiton for impeachment be dismissed.

Endorsed by Representative Benson
Representative Schmedecke
Representative Karem

Representative Quickert moved that the House concur in the report of findings of the Committee on Judiciary. Agreed.

HB 785 as amended taken from Orders of the Day. Representative Clarke moved that it be placed upon its passage. Agreed.

Representative Clarke moved that **HB 785** as amended be placed upon its passage.

On the roll call the vote was yeas 43-Benson, Beshear, Blandford, Blume, Blythe, Burch, Chandler, Clarke, Dietz, Donnermeyer, Foster, Guenthner, Hancock, Hellard, Bolbrook, Holloway, Hopkins, Hurst, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Mann, Maynard, McBee, McBride, Nett, O'Brien, Paxton, Quickert, Reynolds, Richardson, Sale, Schmaedecke, Schmidt, Siemens, Stephens, Swinford, Troop, Vincent, Wible. Nays 38-Adams, Arnold, Brewer, R. Brown, Bruce, Clapp, Davis, DeMarcus, Denham, Freeman, Gay, Givhan, Hardin, Head, Hughes, Imes, Isler, Lewis, Lindsay, Little, Louden, Mason, May, McBrayer, Pearman, Roberts, Robinson, Sharpe, Smith, Stewart, Thomas, Turner, VanHorn, Watkins, Wells, G. White, J. White, Whitfield.

HB 785 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 785** was passed be reconsidered and said motion be postponed indefinitely.

On the roll call the vote was yeas 46-Bennett, Benson, Beshear, Blandford, Blume, Blythe, Burch, Chandler, Clapp, Clarke, Dunn, Foster, Gay, Guenthner, Hellard, Holbrook, Holloway, Hopkins, Hurst, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Mann, Maynard, McBee, McBride, Nett, O'Brien, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Sale, Schmaedecke, Schmidt, Smith, Stephens, Swinford, Vincent, Whitfield, Wible. Nays 28-Brewer, R. Brown, Bruce, Davis, DeMarcus, Denham, Donnermeyer, Freeman, Head, Hinkle, Hughes, Imes, Isler, Lewis, Little, Louden, Mason, May, Pearman, Roberts, Robinson, Siemens, Stewart, Turner, VanHorn, Wells, G. White, J. White.

The motion that the vote by which **HB 785** as amended was passed be reconsidered and said motion be postponed indefinitely was adopted.

Senate Message

Announcing passage of **SB 242** and **HB 456** with Amendment.

Orders of the Day (continued)

Representative Quickert moved that the rules be suspended for the purpose of recommittal of a bill. Agreed.

Representative Quickert moved that **SB 100** be recommitted to the Committee on Judiciary. Agreed.

SB 157 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that **SB 157** be placed upon its passage.

On the roll call the vote was yeas 66-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Burch, Clapp, Clarke, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Hancock, Hardin, Head, Hinkle, Holbrook, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Mann, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Paxton, Priddy, Rattliff, Reynolds, Richardson, Romines, Sale, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Whitfield, Wible, Yates. Nays 5-Davis, DeMarcus, Mason, Pearman, Robinson.

SB 157 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 157** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 186 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wible moved that **SB 186** be placed upon its passage.

On the roll call the vote was yeas 57-Arnold, Benson, Blandford, Blume, Brewer, Burch, Clarke, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Hardin, Head, Hinkle, Holbrook, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Lindsay, Little, Mann, Maynard, McBee, McBrayer, McBride, Nett, O'Brien, Paxton, Priddy, Quickert, Reynolds, Richardson, Romines, Sale, Schmidt, Sharpe, Siemens, Stephens, Swinford, Troop, Turner, VanHorn, Vincent, Watkins, Whitfield, Wible, Yates. Nays 6-DeMarcus, Hancock, Mason, Pearman, Robinson, Stewart.

SB 186 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 186** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 281 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Paxton moved the adoption of the following Floor Amendment No. 1 to **SB 281:**

On the roll call the vote was yeas 86-Adams, Arnold, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Watkins, G. White, Whitfield, Wible, Yates. Nays 0.

The Floor Amendment No. 1 to **SB 281** was adopted.

Representative Donnermeyer moved that **SB 281** as amended be placed upon its passage.

On the roll call the vote was yeas 90-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Watkins, G. White, J. White, Whitfield, Wible, Yates. Nays 0.

SB 281 as amended was passed.

Representative Swinford moved that the vote by which **SB 281** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that adoption of the following Title Amendment (Floor Amendment No. 2) to **SB 281:**

Amend printed copy of Senate Bill 281 page 1, by amending the title to read as follows:

"AN ACT relating to appropriations and the disbursement of appropriations."

Agreed.

Representative Swinford moved that the vote by which the Title Amendment to **SB 281** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

Represenative Swinford moved that the vote by which **SB 281** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 130 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved that **SB 130** be placed upon its passage.

On the roll call the vote was yeas 79-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Freeman, Gay, Givhan, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Swinford, Thomas, Troop, Turner, VanHorn, Watkins, Whitfield, Wible, Yates. Nays 0.

SB 130 was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 130** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 165 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 78-Adams, Arnold, Bennett, Benson, Beshear, Blume, Blythe, Brewer, R. Brown, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Freeman, Gay, Givhan, Hardin, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, McBee, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, VanHorn, Watkins, J. White, Whitfield, Wible, Yates. Nays 0.

SB 165 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 165** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker vacated the Chair, Speaker Pro Tempore presiding.

SB 179 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 77-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Freeman, Gay, Givhan, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Little, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, O'Brien, Paxton, Priddy, Quickert, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Swinford, Thomas, Troop, VanHorn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 1-Turner.

SB 179 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 179** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative McBrayer moved that **HB 858** be posted for consideration by the Committee on Cities. Agreed.

Representative Swinford moved that consideration of **SB 182** be deferred and that it retain its position in Orders of the Day. Agreed.

The Speaker resumed the Chair.

SB 183 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lindsay moved that **SB 183** be placed upon its passage.

On the roll call the vote was yeas 79-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, Bruce, Burch, Chandler, Clapp, Clarke, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Watkins, Wells, G. White, Whitfield, Wible, Yates. Nays 4-R. Brown, Imes, Pearman, Robinson.

SB 183 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 183** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **SB 204** and **SB 210** be deferred and that they retain their position in Orders of the Day. Agreed.

SB 219 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 78-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible, Yates. Nays 0.

SB 219 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 219** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 223 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved that **SB 223** be placed upon its passage.

On the roll call the vote was yeas 71-Adams, Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Burch, Chandler, Clapp, Clarke, Davis, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Hancock,

Hardin, Head, Hellard, Hinkle, Holbrook, Holloway, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Paxton, Priddy, Quickert, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Watkins, G. White, J. White, Wible, Yates. Nays 0.

SB 223 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 223** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 230 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 69-Adams, Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Burch, Chandler, Clarke, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Little, Louden, Mann, May, Maynard, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Watkins, J. White, Wible, Yates. Nays 4-Davis, Mason, Rattliff, Stephens.

SB 230 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 230** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 249 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 74-Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Watkins, J. White, Whitfield, Wible. Nays 0.

SB 249 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 249** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Speaker Pro Tempore presiding.

SB 255 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 68-Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Burch, Chandler, Clapp, Clarke, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Guenthner, Hardin, Head, Hellard, Hinkle, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Swinford, Thomas, Troop, VanHorn, Vincent, Watkins, Whitfield, Wible. Nays 5-Davis, Foster, Hurst, Pearman, Turner.

SB 255 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 255** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 257 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 65-Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Burch, Chandler, Clarke, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Hardin, Head, Hellard, Hinkle, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kidd, King, Kleier, Lewis, Little, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Watkins, J. White, Whitfield, Wible. Nays 5-Bruce, Davis, Holbrook, Hurst, Lindsay.

SB 257 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 257** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 263 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 81-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 0.

SB 263 was passed and the title agreed to.

Representative Wible moved that the vote by which **SB 263** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 280, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the Committee Amendment No. 1 to **SB 280.** Agreed.

Representative Swinford moved that **SB 280** as amended be placed upon it passage.

On the roll call the vote was yeas 73-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Holloway, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Siemens, Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Watkins, G. White, Whitfield, Wible, Yates. Nays 2-Hughes, Imes.

SB 280 as amended was passed and the title agreed to.

Representtive Swinford moved that the vote by which **SB 280** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 820 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 85-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Watkins, G. white, J. White, Whitfield, Wible, Yates. Nays 1-Lindsay.

HB 820 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 820** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 724, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Siemens moved the adoption of the Committee Amendment No. 1 to **HB 724.** Agreed.

On the roll call the vote was yeas 59-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Burch, Chandler, Clarke, Dietz, Donnermeyer, Dunn, Foster, Freeman, Guenthner, Head, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lindsay, Little, Mann, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Paxton, Priddy, Reynolds, Richardson, Romines, Sale, Sharpe, Siemens, Stewart, Thomas, Troop, Turner, VanHorn, Vincent, Watkins, Wible, Yates. Nays 5-Denham, Hancock, Hellard, Mason, Robinson.

HB 724 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 724** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that **HB 458** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 677 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved that **HB 677** be placed upon its passage.

On the roll call the vote was yeas 66-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Burch, Chandler, Clarke, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Guenthner, Hancock, Head, Hellard, Holbrook, Holloway, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lindsay, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, Morgan, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stephens, Stewart, Stone, Swinford, Troop, VanHorn, Vincent, Watkins, J. White, Wible, Yates. Nays 1-Turner.

HB 677 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 677** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 752 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 72-Adams, Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Givhan, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, McBee, McBride, McGill, Morgan, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stephens, Stewart, Stone, Swinford, Troop, VanHorn, Vincent, Watkins, G. White, Whitfield, Wible, Yates. Nays 0.

HB 752 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 752** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that the rules be suspended to allow bills previously posted for consideration to be considered by committees today. Agreed.

Senate Message

Announcing passage of **SB 294, SB 302, SB 313, SB 345, HB 489, SB 347, SR 39, SR 60, HB 460, HB 429, HB 641,** and **HB 170.**

Orders of the Day (continued)

HB 778 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 71-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Hopkins, Hughes, Imes, Isler, Karem, Kenton, Kidd, King, Lindsay, Little, Louden, Mann, Mason, May, McBee, McBrayer, McGill, Morgan, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Watkins, G. white, J. White, Whitfield, Wible, Yates. Nays 0.

HB 778 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 778** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 789 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McGill moved that **HB 789** be placed upon its passage.

On the roll call the vote was yeas 68-Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bruce, Burch, Chandler, Clapp, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Karem, Kenton, Kidd, King, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Turner, VanHorn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 0.

HB 789 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 789** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker resumed the Chair.

HB 458 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lewis moved that **HB 458** be placed upon its passage.

On the roll call the vote was yeas 70-Adams, Arnold, Bennett, Blume, Beshear, Blandford, Blume, Blythe, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Hancock, Hardin, Head, Hellard, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, Pearman, Paxton, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Stewart, Stone, Swinford, Thomas, Turner, VanHorn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 0.

HB 458 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 458** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Recess

Representative Swinford moved that the House recess for thirty minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

HCR 52 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved that **HCR 52** be placed upon its passage.

On the roll call the vote was yeas 59-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Burch, Chandler, Clarke, Davis, DeMarcus, Donnermeyer, Dunn, Foster, Givhan, Guenthner, Hancock, Hellard, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Mann, Maynard, McBee, McBride, Morgan, O'Brien, Pearman, Paxton, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Swinford, Thomas, Troop, VanHorn, Vincent, J. White, Whitfield, Wible, Yates. Nays 5-Holbrook, Lindsay, Mason, Turner, G. White.

HCR 52 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HCR 52** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 143, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Reynolds moved the adoption of the Committee Amendment No. 1 to **HB 143.** Agreed.

Representative Reynolds moved that **HB 143** as amended be placed upon its passage.

On the roll call the vote was yeas 54-Adams, Benson, Beshear, Blume, Brewer, Burch, Clarke, Donnermeyer, Dunn, Givhan, Guenthner, Hancock, Hellard, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Louden, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, O'Brien, Pearman, Paxton, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Siemens, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Watkins, G. White, J. White, Whitfield, Wible, Yates. Nays 2-DeMarcus, Rattliff.

HB 143 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 143** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 256 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Karem moved that **HB 256** be placed upon its passage.

On the roll call the vote was yeas 64-Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Bruce, Burch, Chandler, Clarke, Davis, DeMarcus, Donnermeyer, Dunn, Foster, Freeman, Guenthner, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Swinford, Troop, Turner, VanHorn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 1-Hellard.

HB 256 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 256** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 526, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Whitfield moved the adoption of the Committee Amendment No. 1 to **HB 526.** Agreed.

On the roll call the vote was yeas 49-Bennett, Beshear, Blandford, Blume, Blythe, R. Brown, Bruce, Burch, Chandler, Clarke, Davis, Donnermeyer, Dunn, Foster, Guenthner, Hopkins, Hughes, Imes, Isler, Kenton, King, Mann, May, Maynard, McBee, McGill, Morgan, Nett, O'Brien, Pearman, Quickert, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Swinford, Thomas, Turner, VanHorn, Vincent, Watkins, G. White, J. White, Whitfield, Wible, Yates. Nays 14-Benson, Brewer, DeMarcus, Hancock, Hellard, Kafoglis, Karem, Kidd, Mason, McBride, Paxton, Rattliff, Robinson, Troop.

HB 526 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 526** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 584 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative G. White moved that **HB 584** be placed upon its passage.

On the roll call the vote was yeas 45-Arnold, Bennett, Blandford, Blume, Blythe, Burch, Chandler, Clarke, Donnermeyer, Dunn, Givhan, Guenthner, Hancock, Hardin, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Kenton, Kidd, Kleier, Mann, May, McBee, McBride, McGill, Morgan, O'Brien, Pearman, Paxton, Quickert, Reynolds, Richardson, Romines, Schmaedecke, Schmidt, Swinford, VanHorn, Vincent, Watkins, G. White, Wible. Nays 9-Benson, DeMarcus, Mason, Rattliff, Robinson, Thomas, Turner, J. White, Yates.

HB 584 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 584** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 604 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that **HB 604** be placed upon its passage.

On the roll call the vote was yeas 60-Adams, Arnold, Bennett, Benson, Blume, Blythe, Brewer, Burch, Chandler, Davis, DeMarcus, Donnermeyer, Dunn, Foster, Freeman, Givhan, Guenthner, Hardin, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Mann, May, Maynard, McBee, McBride, McGill, Morgan, Nett, O'Brien, Paxton, Priddy, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Watkins, G. White, J. White, Whitfield, Wible, Yates. Nays 2-R. Brown, Hellard.

HB 604 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 604** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 607 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that **HB 607** be placed upon its passage.

On the roll call the vote was yeas 59-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, Bruce, Burch, Chandler, DeMarcus, Donnermeyer, Dunn, Foster, Givhan, Hardin, Hellard, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Louden, Mann, Mason, May, Maynard, McBee, McBride, McGill Morgan, Nett, O'Brien, Paxton, Priddy, Quickert, Rattliff, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Watkins, Whitfield, Wible, Yates. Nays 7-R. Brown, Kidd, Lindsay, Pearman, Reynolds, Richardson, Robinson.

HB 607 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 607** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 657 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Whitfield moved that **HB 657** be placed upon its passage.

On the roll call the vote was yeas 61-Bennett, Beshear, Blandford, Blume, Blythe, Brewer, Bruce, Burch, Chandler, Clarke, DeMarcus, Donnermeyer, Dunn, Foster, Givhan, Guenthner, Hancock, Hardin, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Karem, Kenton, Kidd, King, Lewis, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Swinford, Thomas, Troop, VanHorn, Vincent, Watkins, J. White, Whitfield, Yates. Nays 8-Adams, Benson, R. Brown, Hellard, Kafoglis, Robinson, Turner, Wible.

HB 657 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 657** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 746 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kenton moved that **HB 746** be placed upon its passage.

On the roll call the vote was yeas 67-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Burch, Chandler, Clarke, Davis, DeMarcus, Donnermeyer, Dunn, Foster, Givhan, Hancock, Hardin, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lindsay, Louden, Mann, Mason, Maynard, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Swinford, Thomas, Troop, VanHorn, Vincent, Watkins, Wells, J. White, Whitfield, Wible, Yates. Nays 0.

HB 746 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 746** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 737 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Whitfield moved that **HB 737** be placed upon its passage.

On the roll call the vote was yeas 67-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, Burch, Chandler, Clarke, Davis, DeMarcus, Donnermeyer, Dunn, Foster, Guenthner, Hancock, Hardin, Hellard, Holbrook, Holloway, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Nett, O'Brien, Pearman, Paxton, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Swinford, Thomas, Troop, VanHorn, Vincent, Watkins, Wells, J. White, Whitfield, Wible, Yates. Nays 0.

HB 737 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 737** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 754 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Isler moved that **HB 754** be placed upon its passage.

On the roll call the vote was yeas 57-Arnold, Bennett, Benson, Blandford, Blume, Blythe, Brewer, R. Brown, Burch, Chandler, Clarke, Donnermeyer, Dunn, Guenthner, Hancock, Hardin, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Kidd, King, Kleier, Lewis, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, O'Brien, Pearman, Priddy, Richardson, Robinson, Romines, Sale, Schmaedecke, Sharpe, Siemens, Swinford, Thomas, Troop, VanHorn, Vincent, Watkins, Wells, G. White, J. White, Wible, Yates. Nays 0.

HB 754 was defeated.

Representative Isler moved that the rules be suspended for the purpose of reconsidering the vote on **HB 754.**

On the roll call the vote was yeas 57-Adams, Arnold, Bennett, Benson, Blandford, Blume, Blythe, Brewer, R. Brown, Chandler, Donnermeyer, Dunn, Guenthner, Hancock, Hardin, Holbrook, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, O'Brien, Pearman, Paxton, Priddy, Reynolds, Richardson, Robinson, Romines, Sale, Sharpe, Siemens, Swinford, Thomas, Turner, VanHorn, Vincent, Watkins, G. White, J. White, Whitfield, Wible, Yates. Nays 0.

The motion that the rules be suspended to reconsider the vote on **HB 754** was adopted.

Representative Isler moved that **HB 754** be placed upon its passage.

On the roll call the vote was yeas 63-Adams, Arnold, Bennett, Benson, Blandford, Blume, Blythe, Bowles, R. Brown, Burch, Chandler, Dawahare, Donnermeyer, Dunn, Guenthner, Hancock, Hardin, Hislope, Holbrook, Holloway, Hughes, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, O'Brien, Pearman, Priddy, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Sharpe, Siemens, Swinford, Thomas, Troop, Turner, VanHorn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible, Yates. Nays 1-Karem.

HB 754 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 754** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 770 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 59-Arnold, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Chandler, Clarke, DeMarcus, Donnermeyer, Dunn, Foster, Guenthner, Hancock, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Lindsay, Mann, Mason, May, McBee, McBrayer, McGill, Morgan, Nett, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Siemens, Swinford, Troop, Turner, VanHorn, Vincent, Watkins, Whitfield, Wible, Yates. Nays 3-Bennett, Davis, Robinson.

HB 770 was passed and the title ageed to.

Representative Swinford moved that the vote by which **HB 770** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 793, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Guenthner moved the adoption of the Committee Amendment No. 1 to **HB 793.** Agreed.

Representative Swinford moved that the rules be suspended to offer floor amendments. Agreed.

Representative Swinford moved the adoption of the following Floor Amendment No. 2 to **HB 793:**

Amend printed copy of House Bill 793 page 19, line 7, by deleting "a designated agent" and inserting in place thereof "the county clerk"

And on page 35, line 6, by inserting "and fifty cents" after "dollars" and by changing "($4)" to "($4.50)";

And on page 35, line 7, by inserting after "dollar" "and fifty cents" and by changing "($1)" to "($1.50)";

And on page 35, line 9, by inserting "and fifty cents" after "dollars" and by changing "($4)" to "($4.50)";

And on page 35, line 10, by inserting after "dollar" "and fifty cents" and by changing"($1)" to "($1.50)";

And on page 35, line 15, by inserting "and fifty cents" after "dollars" and by changing "($3)" to "($3.50)";

And on page 35, line 16, by inserting after "dollar" "and fifty cents" and by changing "($1)" to "($1.50)";

And on page 35, line 19, by inserting after "dollars" "and fifty cents" and by changing "($4)" to "($4.50)";

And on page 35, line 20, by inserting after "dollars" "and fifty cents"; and by changing "($1)" to "($1.50)";

And on page 35 by deleting line 26 in its entirety and on page 36, by deleting lines 1 through 7 in their entirety.

The Floor Amendment No. 2 to **HB 793** was adopted.

Representative Swinford moved that **HB 793** as amended be placed upon its passage.

Representative Lindsay moved that **HB 793** as amended be recommitted to the Committee on Appropriations and Revenue.

Speaker Pro Tempore presiding.

Representive Benson moved that the motion to recommit **HB 793** as amended to the Committee on Appropriations and Revenue be laid on the table. Agreed.

Representative R. Brown moved that **HB 793** as amended be laid on the Clerk's desk.

The Speaker resumed the Chair.

Representative Turner moved that **HB 793** as amended be laid on the table.

On the roll call the vote was yeas 18-Adams, R. Brown, Foster, Hurst, Kenton. Lindsay, Louden, May, Maynard, McBee, Pearman, Robinson, Sharpe, Stephens, VanHorn, Wells, G. White, J. White. Nays 44-Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, Davis, Donnermeyer, Dunn, Guenthner, Holbrook, Holloway, Hopkins, Hughes, Isler, Kafoglis, Karem, Kidd, Kleier, Lewis, Mason, McBrayer, McBride, McGill, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Reynolds, Richardson, Romines, Schmaedecke, Schmidt, Siemens, Swinford, Thomas, Turner, Vincent, Whitfield, Wible, Yates.

The motion that **HB 793** as amended be laid on the table was rejected.

Representative Kafoglis moved the adoption of the Previous Question on **HB 793** as amended.

On the roll call the vote was yeas 43-Arnold, Benson, Blandford, Blume, Blythe, Brewer, Chandler, DeMarcus, Donnermeyer, Dunn, Guenther, Hughes, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Louden, Mann, McBee, McBrayer, McBride, McGill, Nett, O'Brien, Pearman, Paxton, Priddy, Reynolds, Richardson, Romines, Sale, Schmaedecke, Swinford, Thomas, Vincent, Watkins, Whitfield, Wible, Yates. Nays 10-Holbrook, Hurst, Karem, Lindsay, Sharpe, Siemens, Troop, Turner, VanHorn, J. White.

The motion that the Previous Question be adopted on **HB 793** as amended was rejected.

On the roll call the vote was yeas 25-Adams, Arnold, Blandford, R. Brown, Clarke, Davis, DeMarcus, Foster, Hancock, Hurst, Kenton, Lindsay, Louden, May, McBee, McBride, Morgan, Pearman, Robinson, Sale, Stephens, Troop, Turner, VanHorn, J. White. Nays 35-Bennett, Benson, Blume, Blythe, Dunn, Guenthner, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kidd, Kleier, Lewis, Mann, Mason, McGill, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Reynolds, Romines, Schmaedecke, Schmidt, Siemens, Swinford, Whitfield, Wible, Yates.

The motion that **HB 793** as amended be laid on the Clerk's desk was rejected.

On the roll call the vote was yeas 44-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Chandler, Clarke, Donnermeyer, Dunn, Guenthner, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Mann, Mason, McBrayer, McGill, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Reynolds, Richardson, Romines, Schmaedecke, Schmidt, Siemens, Swinford, Whitfield, Wible, Yates. Nays 18-Adams, R. Brown, DeMarcus, Foster, Hancock, Hardin, Hurst, Lindsay,

May, McBee, McBride, Pearman, Robinson, Sharpe, Troop, Turner, Van Horn, J. White.

HB 793 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 793** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 799** be deferred and that it retain its position in Orders of the Day. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 138, HB 268,** and **HB 305** had been examined and found correctly enrolled. **HB 139, HB 268,** and **HB 305** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Orders of the Day (continued)

Representative Quickert moved that the House concur in the following Senate Amendment to **HB 456:**

Amend printed copy of House Bill 456 as follows:

Page 4, line 9, after class add ",within"

Title Amendment:

Page 1, by striking the title and substituting therefor the following:

"AN ACT relating to alcoholic beverage sales."

On the roll call the vote was yeas 32-Bennett, Benson, Blandford, Blume, Chandler, Donnermeyer, Dunn, Guenthner, Hughes, Hurst, Isler, Karem, Kenton, Kidd, King, Kleier, Mann, Maynard, McBee, McBride, McGill, Morgan, O'Brien, Priddy, Quickert, Schmaedecke, Schmidt, Siemens, Thomas, Turner, VanHorn, Yates. Nays 20-Arnold, Beshear, Brewer, Davis, DeMarcus, Foster, Hellard, Holbrook, Kafoglis, Mason, McBrayer, Pearman, Reynolds, Richardson, Robinson, Sale, Sharpe, Swinford, Vincent, Wible.

The motion that the House concur in the Senate Amendment to **HB 456** was adopted.

Senate Message

Announcing passage of **SB 254, SB 312,.SB 315, HB 493, HB 491, HB 319, HB 490, HB 81** with Committee Substitute attached thereto, and **HB 393** with Amendment.

Orders of the Day (continued)

HB 862 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wible moved that **HB 862** be placed upon its passage.

On the roll call the vote was yeas 52-Adams, Arnold, Bennett, Beshear, Blandford, Blume, Brewer, R. Brown, Chandler, Clarke, Davis, Donnermeyer, Dunn, Foster, Guenthner, Hancock, Hellard, Holbrook, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lindsay, Mann, Maynard, McBee, McBrayer, McBride, McGill, Nett, O'Brien, Priddy, Reynolds, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Swinford, Turner, VanHorn, Wible, Yates. Nays 3-Benson, Blythe, Paxton.

HB 862 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 862** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HR 42 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Karem moved the adoption of **HJR 42.**

On the roll call the vote was yeas 50-Adams, Arnold, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Chandler, Davis, Dunn, Foster, Guenthner, Holbrook, Holloway, Hopkins, Hurst, Isler, Karem, Kenton, Kidd, King, Kleier, Lindsay, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Nett, Pearman, Paxton, Priddy, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Swinford, Turner, VanHorn, Wible, Yates. Nays 3-Clarke, Hellard, Mann.

HJR 42 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HJR 42** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HR 76 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richardson moved that **HR 76** be adopted.

HR 76 was adopted by voice vote.

Representative Swinford moved that the vote by which **HR 76** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 799 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Karem moved that **HB 799** be placed upon its passage.

On the roll call the vote was yeas 44-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Chandler, Clarke, Dunn, Guenthner, Hellard, Holloway, Hopkins, Hughes, Isler, Kafolgis, Karem, Kenton, Kidd, King, Kleier, Lewis, Maynard, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Paxton, Priddy, Quickert, Reynolds, Richardson, Romines, Schmaedecke, Schmidt, Siemens, Swinford, Turner, Vincent, Wible, Yates. Nays 17-Adams, R. Brown, Davis, Hancock, Holbrook, Hurst, Lindsay, Mann, Mason, May, Pearman, Robinson, Sharpe, Stephens, VanHorn, Watkins, J. White.

HB 799 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 799** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **SB 30, SB 143,** and **SB 158** be deferred and that they retain their position in Orders of the Day. Agreed.

SB 194, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved the adoption of the Committee Amendment to **SB 194.** Agreed.

Representative Morgan moved that **SB 194** as amended be placed upon its passage.

On the roll call the vote was yeas 58-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Chandler, Clarke, DeMarcus, Donnermeyer, Dunn, Foster, Givhan, Guenthner, Hancock, Hellard, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Mann, Mason, May, Maynard, McBee, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Reynolds, Romines, Sale, Schmaedecke, Sharpe, Siemens, Stephens, Swinford, Turner, Watkins, J. White, Wible, Yates. Nays 4-Davis, Richardson, Robinson, VanHorn.

SB 194 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 194** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 469 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Reynolds moved the adoption of the following Floor Amendment No. 1 to **HB 469:**

Amend printed copy of House Bill 469 page 1, line 3, by deleting lines 3 through 5 and inserting in lieu thereof a new subsection (1)

"(1) The Department for Human Resources may enter into a contract with the local board of education of any school district in the Commonwealth for the use of school buses to transport persons eligible for transportation services at times when the buses are not needed to transport students to or from school or school events. Persons eligible for such transportation services shall be:"

And on page 1, line 7

By deletling after the semicolon ";" the word "and" and inserting in lieu thereof the word "or"

And on page 1, line 8

By deleting lines 8 through 9 and inserting in lieu thereof "(c) Any other person designated by the Department for Human Resources as appropriate for such transportation services."

And on page 1, line 10

By deleting lines 10 through 19 and inserting in lieu thereof "(2) Before such a contract is entered into, The Department for Human Resources shall formulate a plan for the use of school buses for such purposes and shall submit it to the local board of education for its approval or disapproval. The plan for the use of school buses for such transportation purposes shall incude routes, schedules, cost and any other matters deemed necessary by both parties.

(3) The cost of transporting persons eligible under the provisions of subsection (1) of this Act shall be borne by the Department for Human Resources."

And on page 2 By deleting lines 1 through 26

And on page 3 By deleting lines 1 through 26

And on page 4 By deleting lines 1 through 22

Agreed.

Representative Reynolds moved that **HB 469** as amended be placed upon its passage.

On the roll call the vote was yeas 62-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Chandler, Clarke, Davis, DeMarcus, Donnermeyer, Dunn, Foster, Givhan, Guenthner, Hancock, Hellard, Holbrook, Holloway, Hopkins, Hurst, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis,

Lindsay, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, O'Brien, Pearman, Paxton, Priddy, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Swinford, Turner, VanHorn, Vincent, Watkins, J. White, Wible, Yates. Nays 0.

HB 469 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 469** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 419 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pearman moved that **HB 419** be placed upon its passage.

On the roll call the vote was yeas 60-Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Chandler, Clarke, Davis, DeMarcus, Donnermeyer, Dunn, Foster, Givhan, Hancock, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, May, McBee, McBrayer, McGill, Morgan, O'Brien, Pearman, Paxton, Priddy, Quickert, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Swinford, Turner, VanHorn, Vincent, Watkins, J. White, Wible, Yates. Nays 0.

HB 419 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 419** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 800, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Beshear moved the adoption of the Committee Amendment No. 1 to **HB 800.** Agreed.

Representative Beshear moved that **HB 800** as amended be placed upon its passage.

On the roll call the vote was yeas 49-Arnold, Benson, Beshear, Blandford, Blume, Blythe, Brewer, Clarke, Davis, DeMarcus, Donnermeyer, Dunn, Foster, Hancock, Hellard, Holloway, Hopkins, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, Pearman, Paxton, Priddy, Reynolds, Richardson, Robinson, Sale, Schmidt, Siemens, Stephens, Swinford, Vincent, Watkins, J. White, Wible, Yates. Nays 6-Bennett, Chandler, Hughes, O'Brien, Turner, VanHorn.

HB 800 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 800** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 813 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved that the rules be suspended to allow floor amendments not previously filed to be offered to bills in Orders of the Day today. Agreed.

Representative Kafoglis moved the adoption of the following Floor Amendment No. 1 to **HB 813:**

Amend printed copy of House Bill 813 page 3, line 22, by deleting the words "on or" and by inserting in lieu thereof the words "at least sixty days"

and on page 3, line 25, by inserting after "General Assembly." the following: "Changes in legislative compensation recommended by the commission and approved by the General Assembly shall not apply during

the term of office of those members of the General Assembly serving in the session at which such changes are voted upon, but shall apply to subsequent General Assemblies."

and on page 3, line 25, by deleting the words "The ini-"

and on page 3, line 26, by deleting line 26 in its entirety

and on page 4, lines 1 through 15, by deleting lines 1 through 15 in their entirety

Representative DeMarcus moved that a call of the roll be taken to ascertain if there was a quorum present. Agreed.

The call of the roll showed 63 members present.

On the roll call the vote was yeas 25-Arnold, Beshear, Blandford, R. Brown, Clarke, Davis, Dunn, Guenthner, Hancock, Hellard, Holbrook, Holloway, Hopkins, Kafoglis, Kleier, Lindsay, Mason, McBrayer, Nett, Pearman, Richardson, Stephens, VanHorn, Vincent, Wible. Nays 33-Bennett, Blume, Blythe, Brewer, DeMarcus, Donnermeyer, Foster, Hughes, Hurst, Imes, Isler, Kenton, Kidd, Lewis, Mann, May, McBee, McBride, Morgan, O'Brien, Paxton, Priddy, Quickert, Reynolds, Robinson, Sale, Schmidt, Sharpe, Siemens, Turner, Watkins, J. White, Yates.

The Floor Amendment No. 1 to **HB 813** was rejected.

Representative Morgan moved that **HB 813** be placed upon its passage.

On the roll call the vote was yeas 49-Bennett, Blandford, Blume, Blythe, Brewer, R. Brown, Chandler, Davis, DeMarcus, Donnermeyer, Dunn, Foster, Givhan, Guenthner, Hancock, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kenton, Kidd, King, Kleier, Lewis, Louden, Mann, May, McBee, McBride, McGill, Morgan, O'Brien, Paxton, Priddy, Quickert, Reynolds, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Swinford, Turner, Watkins, J. White, Wible. Nays 16-Arnold, Beshear, Clarke, Hellard, Holbrook, Kafoglis, Lindsay, Mason, McBrayer, Nett, Pearman, Richardson, Robinson, Stephens, VanHorn, Vincent.

HB 813 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 813** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 848 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative King moved that **HB 848** be placed upon its passage.

On the roll call the vote was yeas 42-Arnold, Bennett, Blandford, R. Brown, Chandler, Davis, Donnermeyer, Dunn, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kidd, King, Kleier, Lewis, Louden, Mann, Mason, May, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Pearman, Priddy, Richardson, Robinson, Romines, Sale, Schmaedecke, Siemens, Stephens, Turner, VanHorn, Watkins, J. White, Yates. Nays 13-Beshear, Clarke, DeMarcus, Foster, Hancock, Hellard, Holbrook, Kafoglis, McBride, Paxton, Swinford, Vincent, Wible.

HB 848 was passed and the title agreed to.

Representative King moved that the vote by which **HB 848** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 574 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blythe moved that **HB 574** be placed upon its passage.

On the roll call the vote was yeas 50-Bennett, Beshear, Blume, Blythe, Chandler, Clarke, DeMarcus, Donnermeyer, Dunn, Foster, Givhan, Guenthner, Hancock, Hellard, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Kenton, King, Kleier, Lewis, Mann, Mason, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Richardson, Sale, Schmaedecke, Schmidt, Siemens, Stephens, Swinford, VanHorn, Vincent, Watkins, J. White, Wible, Yates. Nays 5-Blandford, R. Brown, May, Robinson, Turner.

HB 574 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 574** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 823, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the Committee Amendment No. 1 to **HB 823.** Agreed.

Representative Morgan moved that **HB 823** as amended be placed upon its passage.

On the roll call the vote was yeas 49-Arnold, Bennett, Blandford, Blume, Chandler, Davis, DeMarcus, Donnermeyer, Dunn, Foster, Givhan, Guenthner, Hancock, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Romines, Sale, Schmaedecke, Schmidt, Siemens, Stephens, Turner, Vincent, Watkins, Yates. Nays 9-Beshear, Clarke, Hellard, Lindsay, Richardson, Robinson, Swinford, VanHorn, Wible.

HB 823 as amended was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 823** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 826 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Isler moved that **HB 826** be placed upon its passage.

On the roll call the vote was yeas 44-Bennett, Beshear, Blandford, R. Brown, Chandler, Donnermeyer, Dunn, Foster, Givhan, Hancock, Holbrook, Hopkins, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, May, McBee, McBride, McGill, Morgan, O'Brien, Paxton, Priddy, Richardson, Romines, Sale, Siemens, Swinford, Turner, VanHorn, Vincent, Watkins, J. White, Wible, Yates. Nays 6-Arnold, Clarke, Hellard, Hughes, Robinson, Stephens.

HB 826 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 826** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Announcements

Representative Swinford moved that when the House Adjourns, it do so until 10:00 a.m., Monday, March 18, 1974. Agreed.

Representative Swinford moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative Swinford moved that when the House adjourns, it do so by voice vote. Agreed.

Representative Wible moved that the rules be suspended for the purpose of making a request to recommit **SB 84** to the Committee on Judiciary.

On the roll call the vote was yeas 36-Arnold, Bennett, Benson, Beshear, Blandford, Blume, R. Brown, DeMarcus, Dunn, Foster, Givhan, Hancock, Hurst, Imes, Kenton, Kidd, Kleier, Lewis, Lindsay, Louden, Mason, McBrayer, McBride, Pearman, Paxton, Robinson, Romines, Schmaedecke, Siemens, Stephens, Swinford, Vincent, Watkins, J. White, Wible, Yates. Nays 7-Donnermeyer, Hughes, Isler, Mann, McBee, Priddy, VanHorn.

The motion that the rules be suspended was rejected.

Representative Swinford moved that the rules be suspended for Introduction of Resolutions.

Representative Swinford moved that the motion to suspend the rules for the purpose of introducing resolutions be withdrawn. Agreed.

Representative Wible moved that the rules be suspended for the purpose of making a request to recommit **SB 84** to the Committee on Health and Welfare.

On the roll call the vote was yeas 46-Arnold, Bennett, Benson, Blume, R. Brown, Chandler, Donnermeyer, Dunn, Foster, Givhan, Guenthner, Hancock, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kenton, King, Kleier, Lewis, Mann, May, McBee, McBrayer, McBride, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Robinson, Romines, Schmaedecke, Schmidt, Siemens, Stephens, Swinford, VanHorn, Vincent, J. White, Wible, Yates. Nays 0.

The motion that the rules be suspended was rejected.

Representative Swinford moved that the rules be suspended for the purpose of recording vote changes and additional cosponsors of Bills and Resolutions, action on Legislative Citations, Report of Committees, Calendar, Reference of Bills and Resolutions, and posting of Bills and Resolutions for consideration. Agreed.

Introduction of Bills and Resolutions

HCR 105, by Representative Swinford: A CONCURRENT RESOLTUION adjourning the General Assembly sine die on Friday, March 22, 1974.

HR 106, by Representative Kafoglis: A RESOLUTION relating to telephones for the General Assembly.

HCR 107, by Representative Swinford: A CONCURRENT RESOLUTION relating to amendment of bills originating in the Senate.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **SB 302, SJR 60.**

Cities: **SB 313, SB 347.**

Education: **SJR 39.**

Elections and Constitutional Amendments: **SB 345.**

Judiciary: **HR 101.**

State Government: **SB 331, SB 332, SB 242, SB 294, HR 100.**

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

State Government: **HB 83, HB 181, SB 331, SB 332, SB 242, SB 294, HR 100.**

Appropriations and Revenue: **SB 302, SB 191, SJR 60.**

Education: **SJR 39.**

Elections and Constitutional Amendments: **SB 345.**

Agriculture and Natural Resources: **SB 131.**

Judiciary: **SB 100, SB 133, SB 256, HR 101.**

Health and Welfare: **SB 241.**

State Government: **SB 227.**

Labor and Industry: **SB 5.**

Banking and Insurance: **SB 271, SB 301**

Cities: **SB 46, SB 110, SB 157, SB 296, SB 313, SB 347.**

The Clerk announced the following Bills and Resolutions have been withdrawn from Committee consideration:

Counties and Special Districts: **HB 10, HB 347, HB 461, HB 494, HB 621, HB 623, HB 663, HB 670, HB 818.**

Report of Committees

The Committee on Appropriations and Revenue reported **HB 533** with the expression of opinion that the same should pass. Ordered delivered to the Committee on Rules.

The Committee on Business Organizations and Professions reported **SB 142** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

SB 142, AN ACT relating to the practicing of dentistry in professional service corporations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky

Section 1. KRS 313.240 is amended to read a follows:

(1) No person shall practice or offer to practice dentistry or dental surgery under the name of any company, association, or corporation except the name of a professional service corporation established under KRS Chapter 274. Any person practicing or offering to practice dentistry or dental surgery shall practice under his own name or the name of the professional service corporation which includes his name. No such person shall conduct a dental office in his name nor advertise his name in connection with any dental office unless he personally performs services as a dentist or dental surgeon in such office or personally supervises such services as are performed in such office during a portion of the time such office is operated by him only,

and shall not use his name in connection with that of any other dentist.

(2) No person shall be an incorporator, director, officer, or shareholder in more than *three (3)* [two (2)] professional service corporations rendering dental or dental surgery services. No dentist or dental surgeon or group of dentists or dental surgeons shall practice in more than *three (3)* [two (2)] locations.

The Committee on Business Organizations and Professions reported **SB 197** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

SB 197, AN ACT relating to the licensing and practice of barbering and cosmetology.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS Chapter 317A is established, and a new section thereof is created to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) A "cosmetologist" is a person who engages in the practice of "cosmetology" for the public generally or for consideration, regardless of the name under which the practice is conducted;

(2) The practice of "cosmetology" is the practice upon the human neck and head, principally of the human female, of cutting hair, permanent waving, hairdressing, marcelling, but may also include:

(a) Manicuring, finger waving;

(b) Giving facial and scalp massage or treatments with oils, creams, lotions or other preparations, either by hand or any contrivance;

(c) Singeing, shampooing, pressing, arranging, dressing or dyeing the hair or applying hair tonics;

(d) Applying to neck or head cosmetics, lotions, powders, oils, clays or other preparations; and

(3) "Salon" is an establishment of whatsoever kind in which the practice of "cosmetology" is conducted for the general public or for consideration;

(4) "Manicurist" is a person who engages only in the practice of cutting, trimming, polishing, coloring, cleansing, or manicuring the nails or massaging, cleaning, treating or beautifying the hands of any human, for which a license is required by this chapter;

(5) "Board" means the Kentucky Board of Hairdressers and Cosmetologists, whichever meaning is indicated or required by the context;

(6) "Cosmetology school" or "school of cosmetology" means an operation, place or establishment of whatsoever kind or form in or through which persons are trained or taught the practice of cosmetology.

Section 2. A new section of KRS Chapter 317A is created to read as follows:

(1) No person shall engage in the practice of "cosmetology" for other than cosmetic purposes nor shall any person engage in the practice of cosmetology for the treatment of physical or mental ailments, except that the provisions of this chapter shall not apply to:

(a) Persons authorized by the law of this state to practice medicine, podiatry, optometry, dentistry, chiropractic, nursing or embalming when incidental practices of cosmetology are performed by them in the normal course of the practice of their profession; and

(b) Commissioned medical or surgical personnel of the United States Army, Navy, Air Force or Marine Hospital Service performing incidental practices of cosmetology in the course of their duties.

(2) Except as provided in subsection (1) of this section no person shall engage in the practice of cosmetology for the public generally or for consideration without the appropriate license required by this chapter.

(3) No person unless duly and properly licensed pursuant to this chapter shall:

(a) Teach cosmetology;

(b) Operate a beauty salon;

(c) Engage in a cosmetology apprenticeship;

(d) Act as a manicurist; and

(e) Conduct or operate a school for cosmetologists.

(4) No person shall aid or abet any person in violating the provisions of this section, nor shall any person engage or employ for consideration any person for the performance of any practice licensed by this chapter unless the person to perform such practice holds and displays the appropriate license therefor;

(5) No licensed cosmetology instructors or licensed beauticians shall hold clinics for teaching or demonstrating for personal profit, either monetary or otherwise, if the clinics are not sponsored by a recognized professional hairdresser's or cosmetologist's group;

(6) Whenever a person engages in different practices separately licensed by the provisions of this chapter, such person shall procure a separate license for each of the practices so licensed.

Section 3. A new section of KRS Chapter 317A is created to read as follows:

(1) There is created an independent agency of the state government to be known as the Kentucky Board of Hairdressers and Cosmetologists, hereinafter referred to as the "cosmetologist board", which shall have complete supervision over the administration of the provisions of this chapter relating to cosmetology, cosmetologists, schools of cosmetology, students enrolled in cosmetology, apprentice cosmetologists, manicurists, teachers of cosmetology, and cosmetology salons;

(2) The cosmetology board shall be composed of 5 members:

(a) All of whom shall have been cosmetologists 5 years prior to their appointment, residents of Kentucky;

(b) Two of whom shall be cosmetology salon owners;

(c) Two of whom shall not own any interest in a cosmetology salon and one of the two shall be a cosmetology teacher in public education;

(d) One of whom shall be a member of a nationally recognized association of hairdressers and cosmetologists; and

(e) None of whom nor the Administrator shall be financially interested in, or have any financial connection with any cosmetology school, wholesale cosmetic supply or equipment business, nor shall any member of the board teach cosmetology or manicuring for monetary consideration.

At all times in the filling of vacancies of membership on the board this balance of representation shall be maintained.

(3) On July 1, 1974, the Governor shall appoint two persons to the board for a term of one year and three persons for a term of two years. On July 1, 1975, the Governor shall appoint two members for a term of two years. Thereafter, upon expiration of a term of any member, the appointment shall be for a term of two years;

(4) The Governor shall not remove any member of the board except for cause;

(5) The board shall elect from its members one to serve as chairman, one as vice-chairman, and a third to serve as secretary;

(6) Three members shall constitute a quorum for the transaction of any business of the board;

(7) Each member of the board shall receive a compensation of $50 per day for each day of attendance at meetings of the board, and shall be reimbursed for necessary traveling expenses;

(8) The board shall hold such meetings at such place in the state and at such times as are deemed necessary by the board to discharge its duties.

Section 4. A new section of KRS Chapter 317A is created to read as follows:

(1) The cosmetologist board may employ inspectors and such other personnel as may be reasonably necessary to carry out the provisions of this chapter, whose compensations shall be established within budgetary limits by the Department of Personnel;

(2) The cosmetologist board shall by appropriate order employ an administrator who shall be charged with the responsibility of administering the provisions of this chapter, and the policies and regulations of the board relating to hairdressing and cosmetology;

(3) No person shall be employed as an administrator unless he is a licensed cosmetologist;

(4) The administrator may receive a salary of $7,500 per annum, or such compensation as may be established by classification of the position by the Department of Personnel;

(5) The cosmetologist board shall publish and distribute copies of its rules and regulations and revisions thereof to all persons licensed by it and to such other persons, places or agencies as may be required by law or deemed by it reasonably necessary to the administration of the provisions of this chapter, but such publications shall be clearly marked, stamped or printed "Informational Copy."

Section 5. A new section of KRS Chapter 317A is created to read as follows:

(1) The cosmetologist board shall issue an apprentice cosmetologist license to any person who:

(a) Is of good moral character and temperate habit, and at least 16 years of age;

(b) Has at least two years high school education or its equivalent;

(c) Has graduated from a licensed school of cosmetology;

(d) Has passed an examination prescribed by the Board to determine fitness to practice as an apprentice beauty specialist; and

(e) Has paid a fee of $5.

(2) The cosmetologist board shall issue a cosmetologist license to any person who:

(a) Has at least two years high school education, or its equivalent;

(b) Has practiced as a licensed cosmetology apprentice for at least six months under the immediate supervision of a licensed cosmetologist;

(c) Has satisfactorily passed an examination prescribed by the board to determine fitness to practice cosmetology; and

(d) Has paid a fee of $10.

(3) The cosmetologist board shall issue a license to act as a manicurist to any person who:

(a) Is of good moral character and temperate habit;

(b) Has completed satisfactorily a manicuring course of study of three hundred hours in a licensed school of cosmetology;

(c) Has satisfactorily passed an examination prescribed by the board to determine fitness to practice as a manicurist;

(d) Has two years of high school education or its equivalent; and

(e) Has paid a fee of $8.

(4) The cosmetologist board shall issue license to operate a beauty salon to any licensed cosmetologist upon application of such cosmetologist accompanied by a fee of $10, provided that the board may refuse to issue such a license upon the failure to comply with the provisions of this chapter or the rules and regulations of the board adopted pursuant thereto, however, an owner who is not a licensed cosmetologist shall have a licensed cosmetologist as manager of said salon.

(5) The cosmetology board shall issue an apprentice license to teach cosmetology to any person who:

(a) Has paid a fee of $15;

(b) Has a high school education and two years experience as a licensed cosmetologist;

(c) Has submitted a joint application signed also by the owners of the school in which the applicant will study. The course of instruction shall be for a period of 1,000 hours and not less than six months at one college providing this instruction. The school owner shall certify to the board when and if the apprentice teacher is qualified to take the board examination. No more than one apprentice teacher shall be studying in any one cosmetology school at any given time; and

(d) Is of good moral character and temperate habit.

(6) The cosmetologist board shall issue a license to teach cosmetology to any person who:

(a) Is of good moral character and temperate habit;

(b) Has a high school education;

(c) Has held an apprentice teaching license for at least six months;

(d) Has satisfactorily passed the examination prescribed by the board; and

(e) Has paid a fee of $15.

(7) The cosmetologist board may issue a license to operate a school of cosmetology to any person, firm or corporation who or which:

(a) Has complied with the rules and regulations of the board including, but not limited thereto, the necessary equipment, supplies and facilities;

(b) Has furnished evidence or proof deemed necessary by the board in its sound discretion that the granting of said license to operate a school of cosmetology is needed and that the person, firm or corporation is otherwise qualified to operate a school of cosmetology, and that is the purpose of the applicant to establish a bona fide school for the education and training of competent cosmetologist and that said applicant will employ a sufficient number of licensed teachers of cosmetology to conduct such school;

(c) That the licensee shall have as manager at all times a person licensed as an instructor who will be charged with the responsibility of having a sufficient number of licensed teachers of cosmetology to conduct such school. The designated manager as defined herein shall be approved by the board before a license may be issued;

(d) Complies with the rules and regulations of the board including, but not limited thereto, regarding courses, curriculum and hours of instruction;

(e) Otherwise complies with this chapter;

(f) Has paid a fee of one thousand dollars;

(g) Has been a resident of Kentucky for 5 years if the applicant is an individual. If not, the firm or corporation shall be a Kentucky corporation or is licensed or qualified to do business in Kentucky and shall be in existence for a period of at least 5 years before said firm or corporation may be eligible to file an application;

(h) Any student enrolling in said school shall pay a fee of $5 to the board before enrollment shall be allowed; and

(i) The transfer of any license to operate a school of cosmetology shall require the approval of the board and a new application filed with the board and a fee of $1,000 paid.

(8) The board shall issue a license to conduct a post-graduate cosmetologist and advanced hair stylist school to any person complying with reasonable rules and regulations with regard thereto and who pays a license fee of $200;

(9) Licenses issued pursuant to this section shall expire on the first day of July next following the date of their issue but the board shall renew any license so expiring at no increased renewal fee if the required annual renewal license fee is paid within 31 days, after the expiration of such license, provided that the applicant for a renewal is otherwise in compliance with this chapter and the rules and regulations of the board

adopted pursuant thereto. Any license shall automatically be renewed by the board upon receipt of the required annual license fee prior to the expiration date of such license, provided the applicant for a renewal is in compliance with the provisions of this chapter and the rules and regulations of the board adopted pursuant thereto;

(10) The annual renewal license fee for each type of license renewal shall be as follows:

(a) Apprentice cosmetologist - $5;

(b) Cosmetologist - $8;

(c) Manicurist - $5;

(d) Beauty salon - $6;

(e) Apprentice teachers of cosmetology - $10;

(f) Teacher of cosmetology - $15;

(g) Cosmetology school - $50; and

(h) Post-graduate school - $50.

(11) Applications for examinations required by this section shall be accompanied by an examining fee as follows:

(a) Apprentice cosmetologist - $10;

(b) Cosmetologist - $20;

(c) Manicurists - $10;

(d) Cosmetology teacher - $35;

(e) Non-resident cosmetologist with five years experience - $50;

(f) Non-resident instructors - $100; and

(g) Where examination is not required by the board, the fee shall be $35.

(12) Except as provided in subsection (9) of this section the fee for the renewal of an expired license where the period of expiration does not exceed five years shall be as follows:

(a) Apprentice cosmetologist - $50;

(b) Cosmetologist - $50;

(c) Manicurist - $25;

(d) Beauty salon - $10;

(e) Cosmetology school - $100;

(f) Instructor - $50;

(g) Apprentice instructor - $50; and

(h) Post-graduate school - $75.

(13) The requirements for a new license for any person whose license has expired for a period exceeding five years shall be as follows:

(a) Cosmetologists shall retake and pass examination in both practical and science;

(b) Apprentice cosmetologist shall complete 150 additional hours training in a licensed school of cosmetology and pass prescribed examination;

(c) Teacher of cosmetology shall retake and pass both the practical and science examination as prescribed by the board; and

(d) A restoration fee of $50 shall be required.

(14) Guest artists or demonstrators appearing and demonstrating before persons other than licensed hairdressers and cosmetologists shall pay a fee of $25 for a permit for 10 days; but this fee is not required to be paid by guest artists performing before a non-profit recognized professional hairdressers and cosmetologist group.

Section 6. A new section of KRS Chapter 317A is created to read as follows:

(1) The cosmetologist board shall prescribe rules and regulations governing the operation of any schools and/or salons of cosmetology including, but not limited thereto, rules to protect the health and safety of the public, to protect the public against misrepresentation, deceit or fraud in the practice or teaching of beauty culture, to set standards for the operation of said schools and/or salons with reference to, but not limited thereto, such reasonable rules and regulations so as to protect the students under the provisions of this chapter;

(a) Governing the location and housing of beauty salons or cosmetology schools and governing the number of licenses for schools in the state. To this end the board may make reasonable divisions and subdivisions of the state. This subsection does not apply to the instructional programs in cosmetology in the state area vocational schools;

(b) Governing the quantity and quality of equipment, supplies, materials, records and furnishings required in beauty salons or cosmetology schools;

(c) Governing the training and supervision of cosmetology apprentices;

(d) Governing the qualifications of teachers of cosmetology and apprentice teachers of cosmetology;

(e) Governing the hours and courses of instruction at cosmetology schools;

(f) Governing the examinations of applicants for licenses;
(g) Limiting advertising by schools for purposes other than advertising for students;
(h) Governing the prices to be charged by schools for their services performed by students;
(i) To govern the proper education and training of students; and
(j) To govern the course and conduct of school owners, instructors, apprentice instructors, licensed cosmetologist, manicurists, beauty salons and cosmetology schools in a manner consistent with the policies of this board.

(2) Regulations pertaining to health and sanitation shall be approved by the Kentucky State Board of Health before becoming effective.

Section 7. A new section of KRS Chapter 317A is created to read as follows:

(1) The cosmetologist board shall hold hearings upon the request of any person directly affected by the board's decision to refuse to renew a license or to deny or revoke a license and no license renewal shall be denied nor shall a license be revoked unless the board in advance shall have given the licensee 20 days written notice of the revocation or refusal to renew stating the grounds therefor;

(2) Hearings conducted by the board shall afford reasonable opportunity for the complainant to be present and represented by counsel, to examine and to cross-examine any witnesses and produce any competent and relevant proof though the board need not follow strict rules of evidence in the conduct of such hearings;

(3) Rulings of the board as a result of any hearing may be appealed to the Franklin Circuit Court by filing with said court within 30 days from the date of entry of the order a certified copy of the ruling or order of the board if there was any competent evidence before the board to justify the ruling or order;

(4) The board is authorized to issue subpoenas for the attendance of witnesses and the production of such records and documents as may be reasonably necessary in the conduct of any hearing.

Section 8. A new section of KRS Chapter 317A is created to read as follows:

(1) All fees and charges collected by the cosmetologist board shall be paid into the State Treasury and credited to a separate revolving or trust and agency fund account established for the purpose of administering the provisions of this chapter as it relates to the cosmetologist board. The cost and expenses of administering the provisions of this chapter including compensation to members of the board and its officers and employes shall be paid out of the State Treasury upon warrants of the Commissioner of Finance according to law provided that the total expense of administering these provisions shall not exceed the fees and other charges collected by the board and available in the revolving or trust and agency fund account of that board;

(2) All fees and charges collected by the board shall be available for the administration of the provisions of this chapter as it relates to the board, and for no other purpose.

Section 9. A new section of KRS Chapter 317A is created to read as follows:

No license shall be renewed or issued by the cosmetologist board to any cosmetology school unless such school provides:

(1) As a prerequisite of graduation a prescribed course of instruction of not less than 1,800 hours in the case of a cosmetology school to be given within an uninterrupted period with not more than eight hours nor less than four hours of instruction a day, exclusive of Sundays; except that in the state area vocational schools the 1,800 hours of instruction may be offered according to the schedule for other vocational classes in the school;

(2) Courses of instruction in histology of the hair, skin, nails, muscles and nerves of the face and neck; elementary chemistry with emphasis on sterilization and antiseptics, diseases of the skin, hair and glands, massaging and manipulating of the muscles of the upper body; cutting, shaving, arranging, dressing, coloring, bleaching and tinting the hair and such other courses as may be prescribed by regulation of the board;

(3) Such facilities, equipment, materials, and qualified teachers and apprentice teachers as may be required by rules and regulations of the board adopted pursuant to this chapter, but in no event shall any school have fewer than one licensed teacher per 15 students, or more than two students per chair, nor shall any cosmetology school have fewer than one licensed teacher per 20 students;

(4) The fee for the initial license of a beauty school shall be $1,000;

(5) No cosmetology school after being licensed for the first time, shall serve the public until 300 hours of instruction has been taught;

(6) In compliance with KRS 317.520 the board may revoke or suspend any license issued by it if, in the judgment of the board, such school is not following the requirements as set out in this chapter or such school does not comply with the rules and regulations promulgated by the board in order to regulate the conduct of the school and in order to supervise the proper education of the students.

Section 10. A new section of KRS Chapter 317A is created to read as follows:

(1) The cosmetologist board may prescribe reasonable rules and regulations pertaining to the issuance of a license, upon payment of the prescribed license fee, to any person holding a comparable license issued by another state where the laws of such state, in the opinion of the cosmetologist board, provide comparable professional qualification, health and safety standards;

(2) Notwithstanding the provisions of subsection (1) of this section, a license to operate or practice in this state may be refused or denied a holder of a license issued by another state if such state does not extend to the holder of a Kentucky license similar or comparable recognition and opportunity.

Section 11. A new section of KRS Chapter 317A is created to read as follows:

(1) The principal offices of the board created by this chapter shall be located in such place as will enable the board to have access to records and technical assistance of the State Department of Health;

(2) The State Department of Health shall give cooperation and technical advice and assistance to the board created by this chapter.

Section 12. A new section of KRS Chapter 317A is created to read as follows:

(1) No examination or school or part of any examination required by this chapter shall be given unless a quorum of the board is present to supervise such examination;

(2) Examinations given by the board shall cover all phases of the applicant's qualifications for the license applied for including skill and technique of applicant as well as scientific and other knowledge;

(3) Examinations shall be given at regularly prescribed intervals but not more frequently than 30 days;

(4) Examinations shall be given at the principal offices of the board.

Section 13. A new section of KRS Chapter 317A is created to read as follows:

(1) No instructor, student, cosmetologist, apprentice or manicurist shall:

(a) Knowingly continue to practice while he has an infectious or communicable disease;

(b) Fail to provide the head rest of each chair with a relaundered towel or a sheet of clean paper for each person;

(c) Fail to place around the patron's neck a strip of cotton, towel or neck strip so that the haircloth does not come in contact with the nude skin of the patron's body;

(d) Use on one patron a towel that has been used upon another patron, unless the towel has been relaundered; or

(e) Use on any patron any razor, scissors, tweezers, comb, sachet, rubber disc or part of vibrator or other similar equipment or appliance that comes into contact with the head, face, hands, or neck of a patron, until the equipment or appliance has been immersed in boiling water for ten minutes or in a sterilizing solution and placed in a wet or dry sterilizer until again used. Only such methods of sterilization as are bacteriologically effective and approved by the State Board of Health shall be used.

Section 14. A new section of KRS Chapter 317A is created to read as follows:

(1) The board may refuse to issue or renew a license and/or may revoke such licenses as are issued upon proper showing of applicant's or licensee's:

(a) Conviction of a felony;

(b) Gross malpractice or incompetence; or

(c) Mental or physical health that would endanger public health or safety;

(d) False or deceptive practice or misrepresentation including advertising;

(e) Practicing in an unlicensed shop or in a shop knowing that such is not complying with this chapter or regulations of the board promulgated pursuant to this chapter;

(f) Immoral or unprofessional conduct;

(g) Teaching in an unlicensed school or in a school knowing that such school is not complying with this chapter or regulations of the board promulgated pursuant to this chapter;

(h) Failure to comply with the rules and regulations of the board.

Section 15. A new section of KRS Chapter 317A is created to read as follows:

Nothing in this Act shall supersede KRS 156.010 or KRS 156.015 nor shall any fee be required for any student enrolling in a program operated by either the State Board of Education or the State Department of Education.

Section 16. KRS 317.410 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) A "barber" is any person who engages in the practice of "barbering" for the public generally or for consideration;

(2) "Barbering" is the practice upon the human neck and head, principally of shaving or trimming the beard or cutting the hair but includes also:

(a) Giving facial and scalp massage or treatments with oils, creams, lotions or other preparations, either by hand or any contrivance;

(b) Singeing, shampooing, pressing, arranging, dressing or dyeing the hair or applying hair tonics; and

(c) Applying to the neck or head cosmetics, lotions, powders, oils, clays or other preparations.

[(3) A "cosmetologist" is a person who engages in the practice of "cosmetology" for the public generally or for consideration, regardless of the name under which the practice is conducted;

(4) The practice of "cosmetology" is the practice upon the human neck and head, principally of the human female, of cutting hair, permanent waving, hairdressing, marcelling but may also include:

(a) Manicuring, finger waving;
(b) Giving facial and scalp massage or treatments with oils, creams, lotions or other preparations, either by hand or any contrivance;
(c) Singeing, shampooing, pressing, arranging, dressing or dyeing the hair or applying hair tonics;
(d) Applying to neck or head cosmetics, lotions, powders, oils, clays or other preparations;]

(3) [(5)] "Barber shop" is any establishment of whatsoever kind in which the practice of "barbering" is conducted for the general public or for consideration;

[(6) "Beauty shop" is an establishment of whatsoever kind in which the practice of "cosmetology" is conducted for the general public or for consideration;

(7) "Manicurist" is a person who engages only in the practice of cutting, trimming, polishing, coloring, cleansing, or manicuring the nails or massaging, cleaning, treating or beautifying the hands of any human, for which a license is required by this chapter;]

(4) [(8)] "Board" means the Kentucky board of barbering [or the Kentucky board of hairdressers and cosmetologists, whichever meaning is indicated or required by the context];

(5) [(9)] "Barber school" or "school of barbering" means an operation, place or establishment of whatsoever kind or form in or through which persons are trained or taught the practice of barbering;

[(10) "Cosmetology school" or "school of cosmetology" means an operation, place or establishment of whatsoever kind or form in or through which persons are trained or taught the practice of cosmetology;

(11) "Barber board" means the Kentucky board of barbering;

(12) "Cosmetologist board" means the Kentucky board of hairdressers and cosmetologists.]

Section 17. KRS 317.420 is amended to read as follows:

(1) No person shall engage in the practice of "barbering" [or "cosmetology"] for other than cosmetic purposes nor shall any person engage in barbering [or the practice of cosmetology] for the treatment of physical or mental ailments, except that the provisions of this chapter shall not apply to:

(a) Persons authorized by the law of this state to practice medicine, chiropody, optometry, dentistry, chiropractic, nursing or embalming when incidental practices of barbering [or cosmetology] are performed by them in the normal course of the practice of their profession;

(b) Commissioned medical or surgical personnel of the United States army, navy, air force or marine hospital service performing incidental practices of barbering [or cosmetology] in the course of their duties.

(2) Except as provided in subsection (1) of this section no person shall engage in the practice of barbering [or cosmetology] for the public generally or for consideration without the appropriate license required by this chapter;

(3) No person unless duly and properly licensed pursuant to this chapter shall:

(a) Teach barbering [or cosmetology];

(b) Operate a barber shop [or beauty shop];

(c) Engage in a barber apprenticeship [or cosmetology apprenticeship];

[(d) Act as a manicurist;]

(d) [(e)] Conduct or operate a school for barbers [or school for cosmetologists].

(4) No person shall aid or abet any person in violating the provisions of this section, nor shall any person engage or employ for consideration any person for the performance of any practice licensed by this chapter unless the person to perform such practice holds and displays the appropriate license therefor;

(5) No licensed cosmetology instructors or licensed beauticians shall hold clinics for teaching or demonstrating for personal profit, either monetary or otherwise, if the clinics are not sponsored by a recognized professional hairdresser's or cosmetologist's group.

[(6) Whenever a person engages in different practices separately licensed by the provisions of this chapter, such person shall procure a separate license for each of the practices so licensed.]

Section 18. KRS 317.530 is amended to read as follows:

(1) [All fees and charges collected by the cosmetologist board shall be paid into the state treasury and credited to a separate revolving or trust and agency fund account established for the purpose of administering the provisions of this chapter as it relates to the cosmetologist board.] All fees and charges collected by the barber board shall be paid into the state treasury and credited to a separate revolving or trust and agency account established for the purpose of administering the provisions of this chapter as it relates to the barber board. The cost and expenses of administering the provisions of this chapter including compensation to members of the *board* [boards] and their officers and employes shall be paid out of the state treasury upon warrants of the commissioner of finance according to law provided that the total expense of administering these provisions shall not exceed the fees and other charges collected by the *board* [respective boards] and available in the revolving or trust and agency fund account of *the Kentucky Board of Barbering* [that board];

(2) All fees and charges collected by [each of] the *board* [boards] shall be available for the administration of the provisions of this chapter as it relates to the [respective] board, and for no other purpose.

Section 19. KRS 317.540 is amended to read as follows:

No license shall be renewed or issued by the barber board to any barber school, [nor shall any license be issued by the cosmetologist board to any cosmetology school] unless such school provides:

(1) As a prerequisite of graduation *from a barber school* a prescribed course of instruction of not less than fifteen hundred (1,500) hours *shall* [in the case of a barber school and a course of instruction of not less than eighteen hundred (1,800) hours in the case of a cosmetology school to] be given within an uninterrupted period with not more than eight (8) hours nor less than four (4) hours of instruction a day, exclusive of Sundays; [except that in the state area vocational schools the eighteen hundred (1,800) hours of instruction may be offered according to the schedule for other vocational classes in the school;]

(2) Courses of instruction in histology of the hair, skin, nails, muscles and nerves of the face and neck; elementary chemistry with emphasis on sterilization and antiseptics; disease of the skin, hair and glands; massaging and manipulating of the muscles of the upper body; cutting, shaving, arranging, dressing, coloring, bleaching and tinting the hair and such other courses as may be prescribed by regulation of the [appropriate] board;

(3) Such facilities, equipment, materials, and qualified teachers and apprentice teachers as may be required by rules and regulations of the [appropriate] board adopted pursuant to this chapter, but in no event shall any school have fewer than one (1) licensed teacher per fifteen (15) students, or more than two (2) students per chair. [, nor shall any cosmetology school have fewer than one (1) licensed teacher per twenty (20) students;]

[(4) The fee for the initial license of a beauty school shall be one thousand dollars ($1,000).

(5) No cosmetology school after being licensed for the first time, shall serve the public until three hundred (300) hours of instruction has been taught.]

Section 20. KRS 317.560 is amended to read as follows:

(1) The principal offices of the *board* [boards] created by this chapter shall be located in such places as will enable the *board* [boards] to have ready access to records and technical assistance of the state department of health;

(2) The state department of health shall give cooperation and technical advice and assistance to the *board* [boards] created by this chapter.

Section 21. KRS 317.570 is amended to read as follows:

(1) No examination or school or part of any examination required by this chapter shall be given unless a quorum of the [appropriate] board is present to supervise such examination;

(2) Examinations given by the board shall cover all phases of the applicant's qualifications for the license applied for including skill and technique of applicant as well as scientific and other knowledge;

(3) Examinations shall be given at regularly prescribed intervals but not more frequently than thirty (30) days;

(4) Examinations shall be given at the principal offices of the [appropriate] board.

Section 22. KRS 317.580 is amended to read as follows:

(1) No barber, student, *or* [cosmetologist,] apprentice [or manicurist] shall:

(a) Knowingly continue to practice while he has an infectious or communicable disease;

(b) Fail to provide the head rest of each chair with a relaundered towel or a sheet of clean paper for each patron;

(c) Fail to place around the patron's neck a strip of cotton, towel or neck strip so that the haircloth does not come in contact with the nude skin of the patron's body;

(d) Use on one (1) patron a towel that has been used upon another patron, unless the towel has been relaundered; or

(e) Use on any patron any razor, scissors, tweezers, comb, sachet, rubber disc or part of vibrator or other similar equipment or appliance that comes into contact with the head, face, hands, or neck of a patron, until the equipment or appliance has been immerged in boiling water for ten (10) minutes or in a sterilizing solution and placed in a wet or dry sterilizer until again used. Only such methods of sterilization as are bacteriologically effective and approved by the state board of health shall be used.

Section 23. KRS 317.590 is amended to read as follows:

(1) Licenses shall not be issued or renewed and such licenses as are issued shall be revoked upon proper showing of applicant's or licensee's:

(a) Conviction of a felony;

(b) Gross malpractice or incompetence; or

(c) Mental or physical health that would endanger public health or safety.

(2) A license may be refused or revoked by the [appropriate] board for the following reasons:

(a) Failure to comply with regulations or rules of the board;

(b) False or deceptive advertising;

(c) Practicing in an unlicensed shop or in a shop knowing that such shop is not complying with this chapter or regulations of the board promulgated pursuant to this chapter;

(d) Immoral or unprofessional conduct;
(e) Teaching in an unlicensed school or in a school knowing that such school is not complying with this chapter or regulations of the [appropriate] board promulgated pursuant to this chapter.
Section 24. A new section of KRS Chapter 317A is created to read as follows:
(1) Any person who violates any provision of this chapter shall be fined not less than $50 nor more than $500 or imprisoned for not less than ten days nor more than six months, or both such fine and imprisonment.
(2) Any person who violates any rule or regulation lawfully adopted by the board under the authority contained in this chapter shall be fined not less than $25 nor more than $200 or imprisoned for not less than ten days nor more than three months, or both such fine and imprisonment.
Section 25. KRS 317.991 is amended to read as follows:
(1) Any person who violates any provision of this chapter shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500) or imprisoned for not less than ten (10) days nor more than six (6) months, or both such fine and imprisonment;
(2) Any person who violates any rule or regulation lawfully adopted by *the* [a] board under the authority contained in this chapter shall be fined not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200) or imprisoned for not less than ten (10) days nor more than three (3) months, or both such fine and imprisonment.
Section 26. KRS 317.480, 317.490, 317.500, 317.510, 317.520, 317.550 are repealed.

The Committee Amendment to **SB 197** is as follows:

Amend printed copy of Senate Bill 197 page 9, line 14 by deleting line 14 in its entirety; and on

page 16, line 19, by deleting "Franklin" and following "Court" by

inserting "in the county where the appellant resides"

The Committee on Agriculture and Natural Resources reported **HB 628** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 628, AN ACT relating to oil and gas.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 353.590 is amended to read as follows:
(1) Any person, seeking a permit required by KRS 353.570, shall submit to the department a written application in such form as may be prescribed by the department.
(2) Each application shall be accompanied by a specified fee. The fee shall be twenty-five dollars ($25.00) for each well to be drilled, deepened or reopened for the production of oil or gas; ten dollars ($10.00) for each well drilled, deepened or reopened for the injection of water, gas or other fluid therein; ten dollars ($10.00) for each well to be drilled, deepened or reopened as a part of a program for the recovery of oil and gas by secondary recovery methods, except that the fee in no event shall exceed one hundred dollars ($100) for the permits issued in this last case for all wells on each separately leased tract; and ten dollars ($10.00) for each water supply well, and geological or structure test hole to be drilled or deepened.
(3) All money paid to the state treasurer for licenses and fees required by KRS 353.500 to 353.720 shall be for the sole use of the department and shall be in addition to any moneys appropriated by the general assembly for the use of the department.
(4) Each application shall be accompanied by a plat, which shows the location and elevation of each well, prepared according to the rules and regulations promulgated under KRS 353.500 to 353.720. The plat shall be certified as accurate and correct by the applicant, a qualified employe of the applicant, a person approved by the department, or an engineer registered in Kentucky, provided that when the location of the well is known to be underlaid by coal-bearing stratum, such plat shall be certified accurate and correct only by an engineer registered in Kentucky. If any plat submitted by an applicant is determined by the department to be materially inaccurate or incomplete, the department may require that a new plat be prepared and submitted either by a person approved by the director or an engineer registered in Kentucky. The department may further require that all future plats submitted by such an applicant be prepared either by a person approved by

the director or an engineer registered in Kentucky.

(5) When any person submits to the department of mines and minerals an application for a permit to drill a well, or to reopen, deepen or temporarily abandon any well which is not covered by surety bond, the department shall, except as provided in this section, require from the well operator a bond in the sum of *$1,500* [$1,000] in favor of the department of mines and minerals, conditioned that the well upon abandonment shall be plugged in accordance with the rules and regulations of the department and that all records required by the department be filed as specified;[.] *and conditioned further that upon the completion of a producing well the surface around the drill site shall be restored as nearly as possible to its former condition prior to the drilling of the well and that upon abandonment of any well including, but not limited to, producing wells, dry holes, injection wells, and disposal wells, all excavations shall be filled in, all concrete bases, discarded machinery and material shall be removed, all surface casing shall be cut off not less than eighteen inches below surface level and the surface shall be restored as nearly as possible to its former condition prior to the drilling of the well; and conditioned further that if a well, when abandoned, is the last remaining well on the property, all of the property, including but not limited to, access roads, areas used for tank batteries, workshops, field offices and power stations, shall be restored as nearly as possible to its former condition prior to the drilling of any wells on the property and the construction of such accessory facilities.* The bond shall remain in effect until the plugging of the well *and the restoration of the surface are* [is] approved by the department, *and* [or] the bond is released by the department. Any well operator in lieu of such bond may file with the department a blanket bond in a sum of *$7,500* [$5,000,] covering all wells drilled or to be drilled in the commonwealth by the principal in the bond, and the acceptance and approval by the department of such blanket bond shall be in full compliance with the above provision requiring an individual well bond. The bond or bonds referred to in this section shall be executed by the well operator as principal and by a corporate surety authorized to do business in the commonwealth. A deposit in cash shall serve in lieu of either of the above bonds.

(6) Notification in writing to the department by a successor to the well operator with bond as provided in subsection (5) that said successor is assuming the obligations of this chapter as to a particular well or wells[,] will relieve the original permittee of responsibility under this chapter with respect to such well or wells.

(7) If the requirements of subsection (5) with respect to proper plugging *and restoration of the surface* upon abandonment and submission of all required records on all well or wells have not been complied with within the time limits set by the department or by this chapter, the department shall cause a notice of noncompliance to be served upon the operator by certified mail, addressed to the permanent address shown on the application for a permit. The notice shall specify in what respects the operator has failed to comply with this chapter or the regulations or orders of the department. If the operator has not reached an agreement with the department or has not complied with the requirements set forth by it within forty-five (45) days after mailing of the notice, the bond shall then be forfeited to the department.

(8) When a bond is forfeited pursuant to the provisions of this chapter, the director shall give notice to the attorney general, who shall collect the forfeiture.

(9) All sums received through the forfeiture of bonds shall be placed in the state treasury and credited to a special agency account to be designated as the oil and gas well plugging *and surface restoration* fund. This fund shall be available to the department and may be expended for the plugging of any abandoned wells *and the restoration of the surface* coming within the authority of the department pursuant to this chapter. The plugging of any well *and the restoration of the surface* pursuant to this subsection shall not be construed to relieve the operator or any other person from civil or criminal liability which would exist [except for such plugging]. Any unencumbered and any unexpended balance of this fund remaining at the end of any fiscal year shall not lapse but shall be carried forward for the purpose of the fund until expended or until appropriated by subsequent legislative action.

(10) Upon request by any person applying for a permit for a geological or structure test hole, the department shall keep the location and elevation of said hole confidential until such information is allowed to be released by the person obtaining such permit.

(11) For the purpose of this chapter, "water supply well" shall not include:

(a) Any well for a potable water supply for domestic use or for livestock.

(b) Any water well used primarily for cooling purposes in an industrial process.

The Committee on Banking and Insurance reported **SB 301** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

SB 301, AN ACT relating to credit unions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 290.070 is amended to read as follows:

(1) A credit union may receive the savings of its members in payment for shares or on deposit, may lend its funds to its members for provident and productive purposes, or may undertake such other activities, consistent with the purposes of this chapter and relating to the business of the corporation, as its bylaws authorize.

(2) Credit unions shall be under the supervision of the commissioner, who may make general rules and regulations, and special rulings, demands and findings necessary for the proper conduct and regulation of the business. Such action by the commissioner shall be in addition to and not in conflict with the provisions of this chapter.

(3) Each credit union organized under this chapter shall maintain insurance of its member share and deposit accounts by the Administrator of the National Credit Union Administration or other federal agency responsible for insuring member share or deposit accounts in state-chartered credit unions.

(4) Each credit union shall apply for federal insurance of its share and deposit accounts not later than December 31, 1974. Each credit union whose application is disapproved shall either dissolve, merge with an insured credit union or apply in writing within 30 days of written notice of the denial to the commissioner for additional time to obtain approval. The commissioner shall grant whatever additional time is necessary to obtain approval, upon satisfactory evidence that the credit union has made or is making a substantial effort to meet the requirements necessary for federal insurance, but in no event shall the additional time extend beyond December 31, 1976.

The Committee on Cities reported **HB 858** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

HB 858, AN ACT changing the classification of the City of Flatwoods, in Greenup County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Flatwoods, in Greenup County, is such as to justify its being classified as a city of the third class;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the City of Flatwoods, in Greenup County, is transferred from the fourth to the third class of cities.

The Committee on Cities reported **SB 57** with Committee Amendment attached thereto and **SB 296** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 57, AN ACT relating to planning and zoning.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 100.111 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Administrative official" means any department, employe, or advisory, elected or appointed body which is authorized to administer any provision of the zoning regulation, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation;

(2) "Agricultural use" means the use of a tract of land of contiguous acreage for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, soybeans, tobacco, timber, orchard, fruits, vegetables, flowers or ornamental plants, where such activities produced an average gross income of at least $1,000 per year during the two years immediately preceding or there is evidence of anticipated yearly gross income of this amount.

(3)[(2)] "Board" means the board of adjustments unless the context indicates otherwise;

(4)[(3)] "Citizen member" means any member of the planning commission or board of adjustments who is not an elected or appointed official or employe of the city or county;

(5)[(4)] "Commission" means planning commission;

(6)[(5)] "Conditional use" means a use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation;

(7)[(6)] "Conditional use permit" means legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the board of adjustments[, consisting of two (2) parts;

(a) A statement of the factual determination by the board of adjustments which justifies the issuance of the permit; and

(b) A statement of the specific conditions which must be met in order for the use to be permitted].

(8)[(7)] "Dimensional variance" means a departure from the terms of the zoning regulation pertaining to height or width of structures and size of yards and open spaces, where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the actions of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship;

(9)[(8)] "Fiscal court" means the chief body of the county with legislative power, whether it is the fiscal court, county commissioners, or otherwise;

(10)[(9)] "Housing or building regulation" means any regulation incorporating any housing, building or safety code, including, but not limited to such codes as plumbing, electrical, elevator, boiler, fire safety, and minimum housing, or any other regulation;

(11)[(10)] "Legislative body" means the chief body of the city with legislative power, whether it is the board of aldermen, the general council, the common council, the city council, the board of commissioners, or otherwise; at times it also implies the county's fiscal court;

(12)[(11)] "Mayor" means the chief elected official of the city whether the official designation of his office is mayor, chairman of the board of trustees, or otherwise;

(13)[(12)] "Non-conforming use or structure" means an activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located;

(14)[(13)] "Planning operations" means the formulating of plans for the physical development and social and economic well-being of a planning unit, and the formulating of proposals for means of implementing the plans;

(15)[(14)] "Planning unit" means any city or county, or any combination of cities, counties, or parts of counties engaged in planning operations;

(16)[(15)] "Plat" means the map of a subdivision;

(17)[(16)] "Political subdivision" means any city or county;

(18)[(17)] "Regulation" means any enactment by the legislative body of a city or county whether it is an ordinance, resolution, or an order and shall include regulations for the subdivision of land adopted by the planning commission;

(19)[(18)] "Several" means two or more;

(20)[(19)] "Public facility" means any use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of the general public, including, but not limited to libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries;

(21)[(20)] "Street" means any vehicular way *which is dedicated and used as a public facility*;

(22)[(21)] "Structure" means anything constructed or made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including buildings and signs;

(23)[(22)] "Subdivision" means the division of a parcel of land into two or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; providing that a division of *agricultural zoned* land *or unzoned land in agricultural* [for agricultural purposes] into lots *or* [of] parcels of five acres, or more [and] not involving a new street *and having no parcel fronting on an existing street less than 300 feet* shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided;

(24)[(23)] "Unit" means planning unit.

Section 2. KRS 100.127 is amended to read as follows:

(1) All agreements for joint or regional planning units shall be in writing, and shall describe the boundaries of the area involved, and shall contain all details which are necessary for the establishment and administration of the planning unit in regard to planning commission organization, preparation of plans, and aids to plan implementation. *The agreement may include provision for modification and administration of plans and aids to implementation for each party to the agreement to be subject to ratification by a majority of those members of the planning commission which represent that party to the agreement.* Approval of the agreement shall be by regulation and the agreement shall be executed by the parties to the agreement, and filed in the office of the clerk of the county court of all counties which are parties to the agreement or which contain a city which is a party to the agreement. The clerk of the county court may charge a fee of two and one-half dollars for the filing of the agreement. Combination under this subsection shall be permitted notwithstanding the fact that the governmental units are also involved in area planning under KRS 147.610 to 147.990. Combined planning operations shall be jointly financed, and the agreement shall state the method of proration of financial support.

(2) Agreements for planning units shall be in existence as long as at least two of the original signators are operating under the combination despite the fact that other signators have withdrawn from the unit. In addition, any enlargement of a unit may be accomplished under the existing agreement by filing a copy of the agreement in the office of the clerk of the county court of all member counties along with a statement as to when it was admitted to the unit. The clerk may charge a fee of two and one-half dollars for the filing.

(3) If the planning unit, or any part thereof, has adopted regulations for historical districts under KRS 100.201 and 100.203, the planning agreement may provide for the creation of a three or five-member board to advise the zoning administrator regarding issuance of permits in such districts, the board being guided by the standards and restrictions of the community's comprehensive plan and by the historical district regulations adopted by the planning unit.

Section 3. KRS 100.131 is amended to read as follows:

An independent city planning unit may exercise extra-territorial jurisdiction for the purposes of subdivision regulations and, with the consent of the fiscal court, other regulations *including zoning regulations* up to five (5) miles from all points upon the city's boundary but not beyond the county boundary, nor within the boundary of any city not in such planning unit; provided, however, that where the extra-territorial jurisdiction of planning units overlap, the boundary shall be midway between them. The jurisdiction of joint and regional planning units shall be coterminous with their political boundaries. Nothing herein, however, shall prevent any planning unit from making planning studies of areas located outside its jurisdiction.

Section 4. KRS 100.171 is amended to read as follows:

(1) A simple majority of the total membership of a planning commission as established by regulation or agreement shall constitute a quorum. Any member of a planning commission who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from voting on the question, and he shall not be counted for the purpose of a quorum. A simple majority vote of all members present where there is a properly constituted quorum shall be necessary to transact any official business, except that *when* a [vote of a simple] majority of the total membership *does not approve* [shall be necessary for] the adoption or amendment of the commission's bylaws, or [for] elements of the comprehensive plan or regulation *or zoning regulation, it shall be considered disapproved.*

(2) *The text of a zoning regulation may provide for the establishment by the planning unit, and its applicable legislative bodies or fiscal court, of a hearing examiner's office to conduct any or all of the public hearings required by this chapter or any regulations adopted thereto to be held by the planning commission. The hearing examiner shall make recommendations to the commission and based upon a transcript of record of the hearing. The hearing examiner shall not be a member of the planning commission. The regulation establishing the office of the hearing examiner may establish certain procedures incident to that office, including, but not limited to, the following: conduct of the hearing, powers of the hearing examiner, findings required of the hearing examiner, and additional hearings or arguments before the planning commissioner or legislative bodies or fiscal courts, and compensation of the hearing examiner.*[A planning commission may appoint one or more of its members to act as a hearing examiner or examiners to preside over a public hearing and make recommendations to the commission based upon a transcript of record of the hearing.]

Section 5. KRS 100.201 is amended to read as follows:

Cities and counties which are members of a planning unit which has adopted at least the objectives *and* [of] the land use plan elements may divide the territory within their area of jurisdiction into zones on an interim or permanent basis to promote public health, safety, morals, and general welfare of the planning unit, to facilitate orderly and harmonious development and the visual or historical character of the unit, and to regulate the density of population and intensity of land use in order to provide for adequate light and air. In addition, zoning may be employed to provide for vehicle parking and loading space, as well as to facilitate fire and police protection, and to prevent the overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, and the loss of life, health, or property from fire, flood or other

dangers. Zoning may also be employed to protect airports, highways, and other transportation facilities, public facilities, including schools and public grounds, historical districts, central business districts, natural resources, and other specific areas of the planning unit which need special protection by the planning unit.

Section 6. KRS 100.203 is amended to read as follows:

Cities and counties may exercise the power to zone through zoning regulations which shall contain:

(1) A text, which shall list the types of zones which may be used, and the regulations which may be imposed in each zone, which must be uniform throughout the zone[.], *except as hereinafter provided in subsection (6).* In addition, the text shall make provisions for the granting of dimensional variances, conditional use permits, and for nonconforming use of land and structures, and any other provisions which are necessary to implement the zoning regulation. The city or county may regulate:

(a) The activity on the land, including filling or excavation of land, and the removal of natural resources, and the use of water courses, and other bodies of water, as well as land subject to flooding;

(b) The size, width, height, bulk, location of structures, buildings and signs;

(c) Minimum or maximum areas or percentages of areas, courts, yards, or other open spaces or bodies of water which are to be left unoccupied, and minimum distance requirements between buildings or other structures;

(d) Intensity of use and density of population floor area to ground area ratios, or other means;

(e) Districts of special interest to the proper development of the community, including, but not limited to, exclusive use districts, historical districts, planned business districts, planned industrial districts, renewal, rehabilitation, and conservation districts; planned neighborhood and group housing districts;

(f) Fringe areas of each district, by imposing requirements which will make it compatible with neighboring districts;

(g) The activities and structures on the land at or near major thoroughfares, their intersections, and inter-changes, and transportation arteries, natural or artificial bodies of water, public buildings and public grounds, aircraft, helicopter, rocket and spacecraft facilities, places having unique interest or value, flood plain areas, and other places having a special character or use affecting or affected by their surroundings;

(2) The text may provide that the planning unit, as a condition to the granting of any zoning change, may require the submission of a development plan which, where agreed upon, shall be followed. As a further condition to the granting of a zoning change, the planning unit may require that substantial construction be initiated within a certain period of time of not less than one year; provided that such zoning change shall not revert to its original designation unless there has been a public hearing.

(3) The text may further provide, in relation to an approved development plan:

(a) A procedure for amending the plan;

(b) That no building permits shall be issued for construction, location or use of land or improvements except as they comply with such plan; and

(c) That the planning unit or appropriate legislative body may, in the event of any intentional departure from such plan, enforce compliance with all conditions of such plan by injunction or otherwise, including the reversion of the zoning district classification of the property involved to its previously existing classification following a public hearing.

(4)[(3)] A map, which shall show the boundaries of the area which is to be zoned, and the boundaries of each zone;

(5)[(4)] Text provisions to the effect that land which is used solely for agricultural, farming, dairying, stock-raising, *forestry* or similar purposes shall have no regulations imposed as to building permits, certificates of occupancy, height, yard, location or courts requirements for agricultural buildings, except that (a) setback lines may be required for the protection of existing and proposed streets and highways, and (b) that all buildings or structures in a designated floodway or flood plain or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated.

(6) The text may provide that the planning unit, legislative body or fiscal court may recommend or enact a zoning classification amendment upon any one or all of the following conditions whenever such conditions are deemed necessary to protect the best interests of, and assure a development more compatible with, the surrounding property or neighborhood, or to secure an appropriate development in compliance with the objectives and elements of the Comprehensive Plan:

(a) Only for specific uses or purposes;

(b) That development be in strict conformance with approved development plan, or pursuant to specific phases of development or development standards; and

(c) Only after the fulfillment of specific conditions.

Section 7. KRS 100.212 is amended to read as follows:

Notice required prior to hearing on proposed zoning amendment. When in any planning unit containing any portion of a county a hearing is scheduled on a proposal to amend any zoning map, plat, plan, text or regulation, the following notice shall be given in addition to any other notice required by statute by local regulation or ordinance to be given: (1) Notice of the hearing shall be posted conspicuously on the property

the classification of which is proposed to be changed; and (2) Notice of the hearing shall be given at least 14 days in advance of the hearing by *certified* [registered] mail to the owners of all property adjoining the property the classification of which is proposed to be changed. It shall be the duty of the person or persons proposing the amendment to furnish to the planning commission the names and addresses of the owners of all adjoining property *as shown on the current property tax records of the county valuation administrator. For purposes of this section, the term adjoining shall mean immediately adjoining or touching; provided, however, that when the owner of the property the classification of which is proposed to be changed, owns all such adjoining property or whenever there is only one owner of all such adjoining property, the notice required herein shall also be given to the next adjoining property owner.*

Section 8. KRS 100.213 is amended to read as follows:

Before any map amendment is granted, the planning commission or the legislative body or fiscal court must find that the map amendment is in agreement with the community's comprehensive plan, or, in the absence of such a finding, that one or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court:

(1) That the original zoning classification given to the property was inappropriate or improper.

(2) That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the community's comprehensive plan and which have substantially altered the basic character of such area. *The burden of providing evidence supporting any of the above allegations is on the person proposing the amendment.*

Section 9. KRS 100.237 is amended to read as follows:

The board shall have the *authority* [power] to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations which may be suitable only in specific locations in the zone only if certain conditions are met:

(1) The authorization by the board of adjustments shall consist of two parts: (a) A statement of the factual determination by the board of adjustments which justifies the issuance of the permit; and (b) A statement of the specific conditions which must be met in order for the use to be permitted.

(2)[(1)] The board may approve, modify, or deny any application for a conditional use permit. If it approves such permit it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions *and factual determination* shall be recorded in the board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. The board shall have power to revoke conditional use permits, or variances for noncompliance with the condition thereof. Furthermore, the board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.

(3)[(2)] Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing and other regulations.

(4)[(3)] In any case where a conditional use permit has not been exercised within the time limit set by the board, or within one (1) year, if no specific time limit has been set, such conditional use permit shall not revert to its original designation unless there has been a public hearing. "Exercised," as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement have been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment under contract, in development, or completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as set forth in the permit.

(5)[(4)] The administrative official shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions listed on the conditional use permit, the administrative official shall report the fact in writing to the chairman of the board of adjustments. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the board of adjustments. The board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one (1) week prior to the hearing. If the board of adjustments finds that the facts alleged in the report of the administrative official are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the board of adjustments may authorize the administrative official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

(6)[(5)] Once the board of adjustments has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the administrative official,

upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the county clerk, as required in KRS 100.344. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

Section 10. KRS 100.277 is amended to read as follows:

(1) No person or his agent shall subdivide any land, before securing the approval of the planning commission of a plat designating the areas to be subdivided, and no plat of a subdivision of land within the planning unit jurisdiction shall be recorded by the county clerk until the plat has been approved by the commission and the approval entered thereon in writing by the chairman, secretary, or other duly authorized officer of the commission.

(2) No person owning land composing a subdivision, or his agent, shall transfer or sell or agree to sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the planning commission and has been recorded. Any such instrument of transfer, sale, or contract shall be *voidable at the option of the purchaser* [void] and shall not be subject to be recorded, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights or remedies he may otherwise have.

(3) Any street or other public ground which has been dedicated shall not be accepted by the legislative body until it has received recommendations from the planning commission.

Section 11. KRS 100.293 is amended to read as follows:

When all components of the comprehensive plan which are prescribed under this chapter as a minimum for a planning unit and a public facilities improvement program have been prepared and adopted, the commission and legislative bodies and fiscal courts of the cities and counties shall have the power to prepare and adopt *a public properties* [an official] map regulation. The regulation shall incorporate a map of the entire area under jurisdiction, but it may be accomplished by parts in which case the first part shall be passed as the original regulation and all other parts shall be treated as amendments to the original regulation.

Section 12. KRS 100.297 is amended to read as follows:

(1) The *public properties* [official] map may show, without being limited to, the location and extent of existing and proposed public streets, including rights of way, watercourses, parks and playgrounds, public schools and building sites, and other public facilities needs.

(2) Prior to the adoption or amendment of the *public properties* [official] map, the planning commission shall review the map or changes to it in light of the comprehensive plan, shall hold a public hearing on the map or proposed changes pursuant to public notice as prescribed by KRS chapter 424, and shall recommend its approval or disapproval to the legislative bodies.

(3) After the passage of the *public properties* [official] map regulation for all or part of the city or county, all streets, watercourses, parks and playgrounds, public buildings, public school sites, or other public facilities which have been approved under subdivision regulations as provided in this chapter, shall be posted to the *public properties* [official] map; no public hearing need be held for such additions to the *public properties* [official] map.

Section 13. KRS 100.301 is amended to read as follows:

The passage of the *public properties* [official] map regulation shall not be deemed as opening or establishing of any street, or as a taking or as an acceptance of any land for a street, watercourse, or public ground; nor shall it obligate the city or county to improve or maintain any such street or facility.

Section 14. KRS 100.303 is amended to read as follows:

For the purpose of preserving the integrity of the *public properties* [official] map of the city or county, no permit shall be issued for the construction or material alteration of any building within the lines of any streets, including right of way, watercourse, parks and playgrounds, public schools, or other public building sites shown on the *public properties* [official] map, except as provided in this section. The *public properties* [official] map of a city may include the area outside the city limits over which the approval of subdivision plats is required. Any persons desiring to construct or materially alter a building in the lines of any proposed facility shown on the *public properties* [official] map shall apply to the administrative official of the city or county for a building permit. Unless such application is made and the permit is granted, no person shall recover any damages for the taking for public use of any structure or improvement constructed within the lines shown on the map, and any such structure or improvement shall be removed at the expense of the owner when the land is acquired for public use.

Section 15. KRS 100.307 is amended to read as follows:

If the land shown on the *public properties* [official] map is not yielding a fair return, the board of adjustments shall have the power to grant a permit for the building which will, as little as practicable, increase

the cost of future acquisition, and the board may impose reasonable requirements as a condition of granting such permits. Such a permit shall not be granted when the applicant will not be substantially damaged by placing his building outside the boundary lines of the proposed facility.

Section 16. KRS 100.361 is amended to read as follows:

(1) Nothing in this chapter shall apply or affect zoning regulations adopted pursuant to KRS Chapter 183.

(2) Nothing in this chapter shall impair the sovereignty of the Commonwealth of Kentucky over its political subdivisions. Any proposal affecting land use by any department, commission, board, authority, agency, or instrumentality of state *or local* government shall not require approval of the local planning unit, *except as provided in subsection (3). However, such proposal shall be referred to the Planning Commission for its review in light of agreement with the Comprehensive Plan. The Commission shall, within sixty (60) days from date of its receipt, hold a public hearing on the proposal as required by KRS Chapter 424, review the proposal, and advise the referring body whether the project is in accordance with the Comprehensive Plan and whether the Commission approves or disapproves of the project. If it disapproves of the project, it shall state the reasons for the disapproval in writing and make suggestions for changes which will, in its opinion, better accomplish the objectives of the Comprehensive Plan.* [However, adequate information concerning such proposals shall be furnished to the planning commission by the department, commission, board, authority, agency, or instrumentality of state government.]

(3) The acquisition or disposition of land, or changes in the character, location or extent of structures or land by any department, commission, board, authority, agency or instrumentality of state government for accessory uses must be enacted pursuant to KRS Chapter 100. The term accessory use shall mean a use not directly related and necessary to the primary purpose of the branch of state government involved.

The Committee Amendment to **SB 57** is as follows:

Amend printed copy of Senate Bill 57 page 5, line 18, by inserting after "tural" the word "*use*";

and on page 8, line 21, by deleting "*when*" and removing brackets before "vote"

and on page 8, line 22, by deleting the brackets after "simple" and deleting "*does not*";

and on page 8, line 23, by deleting "*approve*" and removing the brackets before "shall" and after "for"

and on page 8, line 24, by deleting the brackets around "for";

and on page 8, line 25, by deleting "*or zoning regulations, it*"

and on page 8, line 26, by deleting all of said line:

and on page 8, line 26, by inserting at the end of subsection (1):

"When a vote is taken on zoning regulation, if a majority of all members present, where there is a properly constituted quorum, does not approve the zoning regulation, it shall be considered disapproved."

and on page 9, line 7, by inserting after "*make*" "*findings of fact and may make*"

and on page 12, line 17, by inserting "*two years*" before "one" and by placing a bracket before "one" and after "year";

and on page 25, line 2, by inserting after "*state*" the words "*or local*"

SB 296, AN ACT relating to urban county governments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 67A is created to read as follows:

(1) Whenever the comprehensive plan adopted pursuant to KRS Chapter 67A requires the implementation of a merit or civil service system for the employes of an urban county government, such system shall be implemented by the urban county government so as to guarantee the substantive and procedural rights possessed by any employe of a government in existence within the boundaries of the urban county prior to the effective date of merger.

(2) During the time a merit or civil service system is being implemented pursuant to the requirements of a comprehensive plan all procedural and substantive rights possessed by any employe of a government in existence within the boundries of the urban county prior to the effective date of merger shall be protected.

The Committee on Labor and Industry reported **SB 5** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

SB 5, AN ACT relating to employment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 336 is created to read as follows:

As used in this Act, unless the context otherwise requires:

(1) "Professional Strike Breaker" means an individual who consistently offers himself for employment in order to break a strike and who does not intend to become a full-time member of the permanent work force.

(2) "Strike" includes any strike or other stoppage of work by employes and any concentrated slowdown or other concentrated interruption of operations by employes.

Section 2. A new section of KRS Chapter 336 is created to read as follows:

It shall be unlawful for any person, partnership, agency, firm or corporation, or officer or agent thereof, to recruit, procure, supply, or refer any person for employment in place of an employe involved in a strike in which such person, partnership, agency, firm, or corporation is not directly interested.

Section 3. A new section of KRS Chapter 336 is created to read as follows:

(1) It shall be unlawful for any person, partnership, firm or corporation, or officer or agent thereof, involved in a strike to employ in place of an employe involved in such strike any person who customarily and repeatedly offers himself for employment in the place of employes involved in a strike, or to employ any person in place of an employe involved in a strike who is recruited, procured, supplied or referred for employment by any person, partnership, agency, firm or corporation not directly involved in the strike.

(2) It shall be unlawful for any person who customarily and repeatedly offers himself for employment in place of employes involved in a strike to take or offer to take the place in employment of employes involved in a strike.

Section 4. A new section of KRS Chapter 336 is created to read as follows:

It shall be unlawful for any person, partnership, firm or corporation, or officer or agent thereof, not directly involved in the strike to contract or arrange with any other person, partnership, agency, firm or corporation to recruit, procure, supply, or refer persons for employment in place of employes involved in such strike.

Section 5. A new section of KRS Chapter 336 is created to read as follows:

It shall be unlawful for any person, partnership, agency, firm, or corporation, or officer or agent thereof, to recruit, solicit, or advertise for employes, or refer persons to employment, in place of employes involved in a strike without notice to such person, or in such advertisement, that there is a strike at the place at which employment is offered and that the employment offered is in place of employes involved in such strike.

Section 6. A new section of KRS Chapter 336 is created to read as follows:

Any person, partnership, agency, firm or corporation violating Sections 2, 3, or 4 of this Act shall be punished by a fine of not more than $1,000, or by imprisonment in the penitentiary for a term of not more than five years, or both, at the discretion of the court. Any person, partnership, agency, firm, or corporation, violating Section 5 of this Act shall be guilty of a misdemeanor, and shall be punished by a fine of not less than $25 or more than $100 or imprisonment for a term not exceeding six months, or both, at the discretion of the court.

The Committee on State Government reported **HB 784,** with Committee Substitute attached thereto, and **SB 227** with the expression of opinion that the same should pass. Read at length for the first time and

ordered placed in the Recommended Consent Calendar.

HB 784, AN ACT relating to energy.

WHEREAS, the situtation commonly known as the "energy crisis" has resulted in widespread national, state and local concern about our ability to preserve the standard of living and quality of life we presently enjoy; and

WHEREAS, there are numerous developments under way to resolve and exploit energy supply and demand problems; and

WHEREAS, a coordinated approach to managing energy within the Commonwealth would seem to be in the best interests of our economic well being and prudent use of our natural and human resources; and

WHEREAS, the functions of energy management in Kentucky state government are vested in numerous and separate departments and organizations; and

WHEREAS, this state of affairs effectively denies the people of the Commonwealth from access to or representation on a central authority in state government that has either a comprehensive knowledge of the energy situation or authority to implement appropriate programs for the public welfare;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 152 is created to read as follows:

(1) Membership on the Kentucky Energy Council shall be expanded to include non-state government representatives. There shall be at least one member representing each of the following groups: The Natural Gas Industry, The Petroleum Industry, The Coal Industry, Electric Utilities, Citizen Environmental Protection organizations, a state university and a private citizen at large.

(2) In addition to the duties already mandated, the Kentucky Energy Council shall be responsible for focusing its attention on an inventory of energy resources, an assessment of energy requirements, current and projected energy policy, energy conservation techniques, and recommendations together with appropriate legislation. A report will be furnished to the appropriate interim legislative committee together with any appropriate and needed legislation no later than November of the year immediately preceding the legislative session. Specifically, the report will include detail according to the following minimum requirements:

(a) The energy inventory shall examine all sources of energy available in Kentucky with estimates of the reserves of each. Also included will be a description of the methods of extraction, conversion and transmission of these resources together with an analysis of alternatives, efficiency and associated environmental impacts on each.

(b) The assessment of energy requirements shall include current and projected demands by customer and activity. Supply facilities to meet these demands and the flow of energy resources in the state and adjacent consumer regions shall also be examined.

(c) The identification of current energy policy shall include components of state and national policies pertaining to regulatory activities, taxation policies and agency programs concerning utility siting, land leasing, water development and land reclamation.

(d) Energy conservation alternatives and techniques shall be examined in relation to available technology, changes in life style and other trade-offs.

(e) Establishment of short term and long range goals for the utilization of Kentucky's energy resources in a manner to provide maximum benefit to the citizens of the Commonwealth.

(f) Critical energy decisions facing the Commonwealth will be identified together with options for energy development or nondevelopment. Recommendations including draft legislation shall be based upon an analysis of these alternatives.

(3) Each state agency represented on the Kentucky Energy Council is required to furnish a minimum of three full-time staff persons or equivalent salaries to accomplish the purposes of this act. The Secretary of the development cabinet shall provide a staff director who shall establish the minimum staff requirements or equivalent salaries provided by state agencies represented on the Council.

(4) The Council is authorized and encouraged to solicit gifts and grants for energy planning and evaluation purposes. The Council is required to initiate and remain in contact with all federal agencies that are involved in energy matters that might have an impact on the Commonwealth and to actively solicit the financial assistance of these agencies in accomplishing the purposes of this act.

Section 2. The Commissioner of the Executive Department for Finance and Administration shall allocate a minimum of $100,000 to the Kentucky Energy Council for the accomplishment of its responsibilities as already mandated and as defined in this act from appropriations made to the state planning committee

under the provisions of House Bill 288.

The Committee Substitute for **HB 784** is as follows:

HB 784, AN ACT relating to energy.

WHEREAS, the situtation commonly known as the "energy crisis" has resulted in widespread national, state and local concern about our ability to preserve the standard of living and quality of life we presently enjoy; and

WHEREAS, there are numerous developments under way to resolve and exploit energy supply and demand problems; and

WHEREAS, a coordinated approach to managing energy within the Commonwealth would seem to be in the best interests of our economic well being and prudent use of our natural and human resources; and

WHEREAS, the functions of energy management in Kentucky state government are vested in numerous and separate departments and organizations; and

WHEREAS, this state of affairs effectively denies the people of the Commonwealth from access to or representation on a central authority in state government that has either a comprehensive knowledge of the energy situation or authority to implement appropriate programs for the public welfare;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 152 is created to read as follows:

Membership on the Kentucky Energy Council shall be expanded to include at least one member representing each of the following groups: The Natural Gas Industry, The Petroleum Industry, The Coal Industry, Electric Utilities, a Citizen Environmental Protection organization, a state university and a private citizen at large.

Section 2. A new section of KRS Chapter 152 is created to read as follows:

(1) In addition to the duties already mandated, the Secretary of Development shall be responsible for focusing its attention on an inventory of energy resources, an assessment of energy requirements, current and projected energy policy, energy conservation techniques, and recommendations together with appropriate legislation. A report will be furnished to the governor and to the appropriate interim legislative committee together with any appropriate and needed legislation no later than November of the year immediately preceding the legislative session. Specifically, the report will include detail according to the following minimum requirements:

(a) The energy inventory shall examine all sources of energy available in Kentucky with estimates of the reserves of each. Also included will be a description of the methods of extraction, conversion and transmission of these resources together with an analysis of alternatives, efficiency and associated environmental impacts on each.

(b) The assessment of energy requirements shall include current and projected demands by customer and activity. Supply facilities to meet these demands and the flow of energy resources in the state and adjacent consumer regions shall also be examined.

(c) The identification of current energy policy shall include components of state and national policies pertaining to regulatory activities, taxation policies and agency programs concerning utility siting, land leasing, water development and land reclamation.

(d) Energy conservation alternatives and techniques shall be examined in relation to available technology, changes in life style and other trade-offs.

(e) Establishment of short term and long range goals for the utilization of Kentucky's energy resources in a manner to provide maximum benefit to the citizens of the Commonwealth.

(f) Critical energy decisions facing the Commonwealth will be identified together with options for energy development or nondevelopment. Recommendations including draft legislation shall be based upon an analysis of these alternatives.

(2) The Secretary is authorized and encouraged to solicit gifts and grants for energy planning and evaluation purposes. He is required to initiate and remain in contact with all federal agencies that are involved in energy matters that might have an impact on the Commonwealth and to actively solicit the financial assistance of these agencies in accomplishing the purposes of this Act.

Section 3. All agencies of state government, including state universities and colleges, shall cooperate with the Secretary in providing existing information or assist in obtaining the data set forth in this section as may be requested.

Section 4. Any project undertaken in implementation of this Act shall be eligible for funding from the State Planning Fund appropriation. Requests for funds shall be submitted in the form and manner prescribed by the State Planning Committee.

SB 227, AN ACT relating to state purchasing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 45.360 is amended to read as follows:

(1) *The Director of Engineering for contractual services related to real property and capital construction projects and the Director of Purchases for other purchasing services,* [The director of purchases,] under the direction of the commissioner *for the Executive Department for Finance and Administration* [of finance], shall purchase, or shall delegate and control the purchase of, the combined requirements of all spending agencies of the state including, but not limited to, interests in real property, contractual services, rentals of all types, supplies, materials, equipment, and services, except that competitive bids may not be required:

(a) For contractual services where no competition exists, such as telephone service, electrical energy, and other public utility services;

(b) When in the judgment of the director of purchases food, clothing, equipment, supplies, or other materials to be used in laboratory and experimental studies can be purchased otherwise to the best advantage of the state; and instructional materials available from only one (1) source;

(c) Where rates are fixed by law or ordinance;

(d) For library books;

(e) For commercial items that are purchased for resale;

(f) For professional, technical, or artistic services (Contracts exempted by this provision shall be referred to the department of personnel for review and approval.);

(g) For all other commodities, equipment and services which, in the reasonable discretion of the director of purchases, are available from only one (1) source; and

(h) Interests in real property.

(2) Nothing in this section shall deprive the division of purchases from negotiating with vendors who maintain a general service administration price agreement with the United States of America or any agency thereof, provided, however, that no contract executed under this provision shall authorize a price higher than is contained in the contract between general service administration and the vendor affected.

(3) The division of purchases shall have supervision over all purchases by the various spending agencies, except as otherwise provided by law, and shall prescribe rules and regulations to govern purchasing by or for all such agencies, subject to the approval of the commissioner *for the Executive Department for Finance and Administration* [of finance], and shall publish a manual of procedures to be distributed to agencies and to be revised upon issuance of amendments to such procedures. No purchase or contract shall be binding on the state or any agency thereof unless approved by the division or made under general regulations which the *Executive Department for Finance and Administration* [department of finance] may prescribe.

(4) The division of purchases shall adopt regulations to require agencies to take and maintain inventories of plant and equipment. The division of purchases shall conduct periodic physical audits of inventories.

(5) The director of purchases shall require all agencies to furnish an estimate of specific needs for supplies, materials, and equipment to be purchased by competitive bidding for the purpose of permitting scheduling of purchasing in large volume. He shall establish and enforce schedules for purchasing supplies, materials, and equipment. In addition, all agencies shall submit to the director of purchases prior to the beginning of each fiscal year an estimate of all needs for supplies, materials, and equipment during that year which will have to be acquired through competitive bidding.

(6) The division of purchases shall have power, with the approval of the commissioner *for the Executive Department for Finance and Administration* [of finance], to transfer between departments, to salvage, to exchange, and to condemn supplies, equipment, and real property.

(7) The division of purchases shall sell or otherwise dispose of all property (including any interest in real property) of the state which is not needed or has become unsuitable for public use, or would be more suitable consistent with the public interest for some other use, as determined by the commissioner *for the Executive Department for Finance and Administration* [of finance]. The determination of the commissioner *for the Executive Department for Finance and Administration* [of finance] shall be set forth in an order, and

shall be reached only after review of a written request by the agency desiring to dispose of the property. Such request shall describe the property and state the reasons why the agency believes disposal should be effected. All instruments required by law to be recorded which convey any interest in any such real property so disposed of shall be executed and signed by the commissioner *for the Executive Department for Finance and Administration* [of finance] and approved by the governor. Unless the commissioner *for the Executive Department for Finance and Administration* [of finance] deems it in the best interest of the state to proceed otherwise, all such property (including any interests in real property) shall be sold either by invitation of sealed bids or by public auction, provided however that the selling price of any interest in real property shall not be less than the appraised value thereof as determined by the department of revenue, or department of *transportation* [highways] for such requirements of that department.

(8) Except as provided in KRS chapters 175, 176, 177 and 180, the division of purchases shall purchase or otherwise acquire all real property determined to be needed for state use, upon the approval of the commissioner *for the Executive Department for Finance and Administration* [of finance] as to the determination of need and as to the action of purchase or other acquisition, provided that the amount paid shall not exceed the appraised value as determined by the department of revenue, department of *transportation* [highways] (for such requirements of that department), or value set by eminent domain procedure.

(9) Real property or any interest therein may be purchased, leased, or otherwise acquired from any officer or employe of any agency of the state upon a finding by the division of purchases, based upon a written application by the head of the agency requesting the purchase, and approved by the commissioner *for the Executive Department for Finance and Administration* [of finance] and the governor, that the employe has not either himself or through any other person influenced or attempted to influence either the agency requesting the purchase of the property or the division of purchases in connection with such acquisition. In any case in which such an acquisition is consummated, the said request and finding shall be recorded and kept by the secretary of state along with the other documents recorded pursuant to the provisions of KRS chapter 56.

(10) The division of purchases shall maintain records of all purchases and sales made under its authority and shall make periodic summary reports of all transactions to the commissioner *for the Executive Department for Finance and Administration* [of finance], the governor, and the general assembly. The division shall also report trends in costs and prices, including savings realized through improved practices, to the above

(11) For capital construction projects, the bidding may be on a total design-bid basis; a package system commonly referred to as "turn key"; phase bidding commonly referred to as "fast track"; or construction management, whichever in the judgment of the Commissioner for the Executive Department for Finance and Administration offers the lowest real cost to the taxpayer. Bids when delegated to and are received by Construction Managers shall be reviewed by the engineering staff to assure quality and value, and compliance with bid procedures. All specifications shall be written to promote competition.

(12)[(11)] The director of the division of purchases *and the director of the division of engineering* shall attempt in every practicable way to insure the state's supplying its real needs at the lowest possible cost.

The Committee on State Government reported **HR 92** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HR 92, A RESOLUTION directing the Legislative Research Commission to study the statutory bonding requirements for contractors to qualify for state and local government contracts.

WHEREAS, there is no uniformity in the statutory bonding requirements for contractors for state and local government contract; and

WHEREAS, the establishment of an uniform requirement permitting a reasonable exemption would increase the business opportunities available to small contractors; and

WHEREAS, the broadening of the opportunity for small contractors may lower the cost of some public works by increasing the number of contractors who are eligible to compete in bidding on a contract; and

WHEREAS, the availability of a letter of credit or an alternative form of protection might, through increased competition inure to the benefit of the public;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is authorized and directed to make a detailed study of the statutory bonding requirements for contractors who would qualify for state and local government contracts in Kentucky.

Section 2. That the Legislative Research Commission shall avail itself of the assistance of the Department for Finance and Administration, local governments and responsible, small contractors.

Section 3. That the Legislative Research Commission shall prepare a report embodying the results of its study and investigation, together with a legislative proposal, and shall make the same available for distribution prior to the 1976 Session of the General Assembly.

Section 4. The cost of this study is estimated to be $7,500.

The following Legislative Citations were read and adopted by voice vote:

The House of Representatives of the Commonwealth of Kentucky hereby honors Dr. C. W. Curris for having been chosen one of five Outstanding Young Men of Kentucky for 1973-74 by the Kentucky Jaycees. This body commends Dr. Curris, president of Murry State University, for the programs he has initiated, which include the creation of special services to aid students from low income families and programs to expand and improve nurse training and home-care service in his section of the state. (Sponsored by Representatives Imes and Lewis)

The House of Representatives of the Commonwealth of Kentucky hereby honors the American Red Cross during this month of the Red Cross Fund Drive and commends the American Red Cross for service in Kentucky in disaster aid, the blood program, aid to military families, safety and first aid training, and all other services provided for the public good.

This body extends best wishes for a successful fund drive, as this volunteer association depends on donations to provide its services. (Sponsored by Representative Mason)

The House of Representatives of the Commonwealth of Kentucky hereby honors the Taylor County High School Cardinals for winning the Fifth Region Basketball Championship and thereby representing the region at the Kentucky State High School Baskerball Tournament. This body commends the members of the Cardinal team, Coach Freddie Waddle and his coaching staff, and the Taylor County High School cheerleaders for this victory and extends best wishes for success in the State Tournament. (Sponsored by Representative Rattliff)

The House of Representatives of the Commonwealth of Kentucky hereby honors Mrs. Ruth Layson, who served this body so faithfully and so well as Enrolling Clerk from 1956 through 1972. This body expresses its great appreciation for the service of this gracious lady and extends best wishes to Mrs. Layson, as she now pursues other interests. (Sponsored by Representative Morgan)

The House of Representatives of the Commonwealth of Kentucky hereby congratulates the Clay County Tigers and Coach Bob Keith for having won the Thirteenth Regional Basketball Championship. This body commends the team members and Coach Keith for the season's basketball record and extends best wishes as they compete as one of the Sweet Sixteen in the Kentucky High School Basketball Tournament. (Sponsored by Representative J. White)

The House of Representatives of the Commonwealth of Kentucky hereby honors the Clay County High School cheerleaders of the Thirteenth Region. This body commends the cheerleaders for their efforts evidence by such an honor and commends Mrs. Donna Roberts, sponsor, for her direction and supervision. (Sponsored by Representative J. White)

The House of Representatives of the Commonwealth of Kentucky hereby honors Gary Gregory, member of the Clay County Tigers basketball team, for his phenomenal scoring record, which includes having scored over fifty points in one game and having over one thousand points during this basketball season.

This body commends Gary Gregory for this record and extends best wishes for future success. (Sponsored by Representative J. White)

The House of Representatives of the Commonwealth of Kentucky hereby honors the Madisonville-North Hopkins Maroons for having won the Second Regional Basketball Championship and commends the team members and Coach Don Parsons for the 70-68 victory which enabled the Maroons to be one of the Sweet Sixteen.

This body extends best wishes for success in the Kentucky High School Basketball Tournament. (Sponsored by Representative Troop)

The House of Representatives of the Commonwealth of Kentucky hereby honors the Anderson County High School Bearcats for their victory in the Eighth Region Basketball Tournament. This body commends the team members, cheerleaders, Coach Wayne King and Assistant Coach Ron Reed for this victory and extends best wishes for success as they compete in the Kentucky High School Basketball Tournament. (Sponsored by Representatives Sale and Hurst)

The House of Representatives of the Commonwealth of Kentucky hereby honors the Murray High School Tigers as Basketball Champions of the First Region and congratulates the team members--Dale McCuiston, Tyrone McCuiston, Danny Hudspeth, Ray Lane, Glenn Jackson, Johnny Shelley, Phil Miller, Eli Alexander, Jr., David Frank, Mark Williams, Bob Wilder, and Keith Tabers; Coach Bobby Toon, and Assistant Coaches Jerry Shelton and Clayton Hargrove; also cheerleaders, Trina Nicks, Lisa Harrell, Donna Knight, Lynn Hewitt, Cindy Chrisman and Denise Hooker. (Sponsored by Representative Imes)

The House of Representatives of the Commonwealth of Kentucky hereby honors the Powell County Pirates as BAsketball Champions of the Fourteenth Region and commends the team members, Coach Dave Fraley, Assistant Coach Mike Crowe and the Powell County High School cheerleaders for this accomplishment.

This body extends best wishes to the Powell County Pirates as they enter the Sweet Sixteen competition in the Kentucky High School Basketball Tournament for the first time. (Sponsored by Representatives G. White and Stephens)

The House of Representatives of the Commonwealth of Kentucky hereby congratulates the Scott County Cardinals for having reached the finals of the Eighth Region Basketball Tournament. This body commends the team members and Coach Varney for excelling in basketball competition. (Sponsored by Representative Swinford)

The House of Representatives of the Commonwealth of Kentucky hereby honors the Georgetown Buffaloes for having won the Thirty-second District Basketball Championship and commends the members of the team and Coach Pete Gill for this victory and their record of excellence in basketball competition. (Sponsored by Representative Swinford)

The House of Representatives of the Commonwealth of Kentucky hereby honors the Monticello High School Trojans basketball team for representing the Twelfth Region in the Kentucky High School Basketball Tournament. This Body commends the team members-Vernon Miniard, Charles Duncan, Duane Dunagan, Joey Silvers, Don Ferrell, Terry Lovett, Ronnie Bartleson, Robert Denny, Gary Fields, Barry Fields, Terry Shrum, Kerry Lair and the managers Earl Doss, Kenny Bowlin and Joe Harper, Jr. for a successful basketball season. (Sponsored by Representative Smith)

The House of Representatives of the Commonwealth of Kentucky hereby commends Mr. Charles McCoy, Director of Labor Standards, Department of Labor, for his efforts on behalf of the Labor and Industry Committee. This body expresses appreciation to Mr. McCoy for his invaluable assistance in conducting research, answering queries, and clarifying issues. (Sponsored by Representatives Yates and Siemens)

The following members requested that they be recorded as voting as follows: Representative Arnold, "yea" on **HB 88, HB 697, HB 574;** Representative McBrayer, "yea" on **HR 63, HB 546, HB 38, HB 92, HB 263, HB 459, HB 511, HB 557, HB 573, HB 722, HB 537, HB 400, SB 130, SB 165, HB 537;** Representative Kafoglis, "nay" on **SB 114;** Representative Kafoglis, "yea" on **HB 44;** Representative Blythe, "yea" on **HB 84;** Representative Imes, "nay" on **HB 848;** Representative Nett, "yea" on **HB 44, HB 454, HB 84, HB 601, HB 669, HB 742, HB 744;** Representative Isler, "nay" on **HB 467;** Representative Yates, "yea" on Amendment No. 1 on **SB 135:** Representative Robinson, "yea" on **HB 657;** Representative Robinson, "nay" on **HB 616;** Representative Hancock, "yea" on **HB 220;** Representative J. White, "nay" on **HB 616;** Representative Foster, "nay" on **HB 724,** "yea" on **HB 255;** "pass" on **HB 220,** "yea" on **HB 734;** Representative Schmidt, "yea" on **HB 552,** "yea" on **HB 220,** "yea" on **HB 754;** Representative Bruce, "nay" on **HB 571;** Representative O'Brien, "yea" on **HB 669, HB 674, HB 686, HB 742, HB 744, HB 751, HB 759, HB 775, HB 752, HB 778, HB 789, HB 770;** Representative Bruce, "yea" on **HB 477, HB 640;** Representative Hopkins, "yea" on **HB 459, HB 677, HB 746.**

The following members requested that their names be added as co-sponsors of Bills and Resolutions: Representative Yates, **HB 601**; Representative Siemens, **HR 87**; Representative Hancock, **HB 657, HB 737, HB 754, HB 436, HB 764**; Representative Foster, **HB 419, HB 864**; Representative Hopkins, **HR 16, HR 55, HB 72, HCR 52, HB 240, HB 271, HB 205, HB 316, HB 164, HB 100, HB 68.**

The Clerk announced the following Floor Amendments had been filed: No. 2 to **SB 215,** by Representative Louden; No. 1 to **HB 454,** by Representative Quickert; No. 4 to **SB 236,** Representative Maynard; No. 1 to **SB 168,** Representative Blandford; No. 1 to **HB 813,** Representative Kafoglis; No. 1 to **HB 612,** Representative Foster; No. 1 to **SB 331,** Representative Hopkins; No. 2 to **HB 793,** Representative Guenthner; No. 2 to **SB 57,** Representative G. White; No. 2 to **SB 177,** Representative Hancock.

Adjournment

Representative Swinford moved that the House adjourn until 10:00 a.m., Monday, March 18, 1974. Agreed.

MONDAY, MARCH 18, 1974

FIFTY-SIXTH LEGISLATIVE DAY

The House was called to order by Speaker Blume.

Prayer by the Reverend Herman Bowers, First Baptist Church, Frankfort.

The roll was called. All present except Representatives E. Brown, Harris, Kidd, and Stewart.

Representative Isler moved that absent members be granted leave of absence in accordance with the rules of the House. Agreed.

The following members filed excuses: Representatives E. Brown, Harris, Kidd, and Stewart.

Representative Hughes moved that the reading of the Journal of March 15, 1974, be dispensed with and the same approved. Agreed.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Banking and Insurance: **SB 254, SB 335.**

Cities: **SB 315.**

Health and Welfare: **SB 312.**

Report of Committees

The Committee on Rules reported the following Bills and Resolutions have been posted for passage in Orders of the Day: **HB 186** with Committee Substitute attached thereto, **HB 245** with Committee Substitute attached thereto, **HB 328** with Committee Amendment attached thereto, **HB 370** with Committee Substitute attached thereto, **HB 548** with Committee Amendment attached thereto, **HB 599, HB 610, HB 612, HB 647** with Committee Amendment attached thereto, **HB 649, HB 659** with Committee Amendment attached

thereto, **HB 673, HB 732, HB 811, HB 835** with Committee Amendment attached thereto, **HB 860, HB 864, HB 865, HR 84, SB 70** with Committee Amendment attached thereto, **SB 99** with Committee Amendment attached thereto, **SB 127, SB 159, SB 175, SB 176, SB 177, SB 200, SB 208, SB 224, SB 225, SB 234, SB 236** with Committee Amendment attached thereto, **SB 247, SB 264, SB 267, SB 274, SB 295, SB 298, HB 472, HB 786, HR 83, SB 188** with Committee Amendment attached thereto, **HB 730, SB 60,** and **HR 55.**

The Committee on Rules reported **HB 465,** with Committee Substitute attached thereto, has been recommitted to the Committee on Rules for study of form and legality.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Education: **SB 323, SJR 39.**

Report on Enrolled Bills

The Committee on Enrollment reported **HB 170, HB 429, HB 456, HB 460, HB 489,** and **HB 641** had been examined and found correctly enrolled. **HB 170, HB 429, HB 456, HB 460, HB 489,** and **HB 641** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 138, HB 268, HB 305, HB 170, HB 429, HB 456, HB 460, HB 489, and **HB 641** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Recommended Consent Calendar

SB 291, SB 142, SB 301, HB 858, SB 5, HB 784, and **SB 227** taken from the Recommended Consent Calendar and ordered read at length for the second time. Representative Swinford moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Calendar

HB 797, SB 343, SB 197 with Committee Amendment attached thereto, **HB 628, SB 57** with Committee Amendment attached thereto, **SB 296,** and **HR 92** taken from the Calendar and ordered read at length for the second time. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Representative Swinford moved that the rules be suspended and that the standing committees be allowed to consider and report any and all bills referred to standing committees without the necessity of previous posting, the provisions of Rules 48 of the Rules of the House to the contrary notwithstanding. Agreed.

Orders of the Day

SB 46, SB 56, SB 58, SB 181, SB 226, and **SB 203** taken from Consent Orders of the Day and ordered read at length for the third time. Representative Swinford moved that they be read by title only and placed upon their passage. Agreed by a majority of members elected.

On the roll call for **SB 46** the vote was yeas 58-Arnold, Beshear, Blume, Blythe, Brewer, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, Denham, Dietz, Foster, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Hopkins, Isler, Karem, Little, Louden, Mann, Mason, McBee, McBrayer, McBride, Morgan, O'Brien, Overstreet, Paxton, Quickert, Rattliff, Reynolds, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, G. White, J. White, Whitfield, Wible. Nays 4-DeMarcus, Holloway, Hughes, Imes.

On the roll call for **SB 56** the vote was yeas 60-Adams, Arnold, Beshear, Blandford, Blume, Blythe, Brewer, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, Dietz, Donnermeyer, Foster, Gay, Graves, Hancock, Hardin, Head, Hellard, Hinkle, Hopkins, Hughes, Isler, Karem, Little, Louden, Mann, Mason,

McBee, McBrayer, McBride, Morgan, O'Brien, Overstreet, Paxton, Quickert, Reynolds, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 4-DeMarcus, Holloway, Imes, Rattliff.

On the roll call for **SB 58** the vote was yeas 64-Adams, Arnold, Bennett, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Graves, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Karem, Little, Mann, Mason, McBee, McBrayer, McBride, O'Brien, Overstreet, Paxton, Quickert, Rattliff, Reynolds, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 0.

On the roll call for **SB 181** the vote was yeas 56-Adams, Arnold, Bennett, Beshear, Blandford, Blume, Blythe, Brewer, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Dietz, Foster, Graves, Hancock, Hardin, Head, Hinkle, Hopkins, Hughes, Isler, Karem, Little, Mann, Mason, McBee, McBride, Morgan, O'Brien, Overstreet, Paxton, Quickert, Reynolds, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 6-R. Brown, Denham, Hellard, Holbrook, Holloway, Imes.

On the roll call for **SB 226** the vote was yeas 62-Adams, Arnold, Beshear, Blume, Brewer, Burch, Chandler, Clapp, Clarke, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Gay, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Isler, Karem, Lindsay, Little, Mann, Mason, McBee, McBrayer, McBride, Morgan, O'Brien, Overstreet, Paxton, Quickert, Reynolds, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 2-R. Brown, Imes.

On the roll call for **SB 203** the vote was yeas 53-Adams, Beshear, Blandford, Blume, Brewer, Burch, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Givhan, Graves, Guenthner, Hardin, Head, Hopkins, Hurst, Isler, Karem, Lindsay, Little, Mason, McBee, McBrayer, McBride, Morgan, O'Brien, Overstreet, Paxton, Rattliff, Reynolds, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Swinford, Thomas, Troop, Turner, Vincent, Watkins, J. White, Wible, Yates. Nays 13-Arnold, Blythe, R. Brown, Chandler, Hancock, Hellard, Hinkle, Holbrook, Holloway, Hughes, Imes, Stephens, Van Horn.

SB 46, SB 56, SB 58, SB 181, SB 226, and **SB 203** were passed and the titles agreed to.

Representative Swinford moved the House bills in Consent Orders of the Day be placed in Orders of the Day. Agreed.

HB 527 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kenton moved that **HB 527** be placed upon its passage.

On the roll call the vote was yeas 45-Adams, Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Chandler, Clapp, Clarke, Dawahare, Dietz, Donnermeyer, Givhan, Graves, Hancock, Head, Hinkle, Imes, Isler, Karem, Kenton, Little, Mann, May, Maynard, McBee, McBrayer, McBride, Morgan, Paxton, Reynolds, Roberts, Romines, Schmaedecke, Siemens, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Watkins, Wible, Yates. Nays 24-Arnold, Blythe, Bruce, Davis, Denham, Foster, Guenthner, Hardin, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Mason, O'Brien, Overstreet, Quickert, Robinson, Sale, Smith, Stephens, Vincent, Whitfield.

HB 527 was passed and the title agreed to.

Representative Kenton moved that the vote by which **HB 527** was passed be reconsidered and said motion be postponed indefinitely.

On the roll call the vote was yeas 33-Adams, Bennett, Blandford, Blume, R. Brown, Chandler, Clarke, Dietz, Donnermeyer, Givhan, Hancock, Head, Isler, Karem, Kenton, Little, Mann, Maynard, McBee,

McBride, Morgan, Paxton, Reynolds, Roberts, Romines, Swinford, Thomas, Turner, Van Horn, Watkins, Wells, Wible, Yates. Nays 28-Arnold, Blythe, Brewer, Bruce, Davis, DeMarcus, Denham, Foster, Guenthner, Hardin, Hellard, Hinkle, Holloway, Hughes, Imes, O'Brien, Overstreet, Rattliff, Robinson, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Vincent, Whitfield.

The motion that the vote by which **HB 527** was passed be reconsidered and said motion be postponed indefinitely was adopted.

Representative Swinford moved that consideration of **HB 693** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative Swinford moved that **HB 709** be recommitted to the Committee on Appropriations and Revenue. Agreed.

Representative Swinford moved that **HB 718** be recommitted to the Committee on Judiciary. Agreed.

Representative Swinford moved that **HB 594, HB 658** with Committee Amendment attached thereto, **SB 206** with Committee Amendment and Committee Substitute attached thereto, **HB 735** be deferred and that they retain their position in Orders of the Day. Agreed.

SB 182 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 70-Adams, Arnold, Bennett, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Chandler, Clapp, Clarke, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Gay, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Hopkins, Hughes, Imes, Isler, Karem, Kenton, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, Morgan, O'Brien, Overstreet, Pearman, Paxton, Quickert, Reynolds, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 0.

SB 182 was passed and the title agreed to.

Representative Swinford moved that the vote on **SB 182** be reconsidered. Agreed.

Representative Swinford moved the adoption of the following Floor Amendment No. 1 to **SB 182:**

Amend printed copy of Senate Bill 182, page 1, line 7, by inserting before the words "three-fourths" the words "*and KRS Chapter 304,*".

Agreed.

Representative Swinford moved that **SB 182** as amended be placed upon its passage.

On the roll call the vote was yeas 68-Adams, Arnold, Bennett, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Chandler, Clapp, Clarke, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Gay, Givhan, Graves, Hancock, Hardin, Head, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Imes, Isler, Karem, Kenton, Lindsay, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, Morgan, O'Brien, Overstreet, Pearman, Paxton, Quickert, Reynolds, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 0.

SB 182 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 182** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **SB 335, SR 29.**

Orders of the Day (continued)

SB 204 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 66-Adams, Arnold, Beshear, Blandford, Blume, Blythe, R. Brown, Bruce, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Foster, Gay, Givhan, Graves, Hancock, Hardin, Head, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Karem, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, Morgan, O'Brien, Overstreet, Pearman, Paxton, Rattliff, Reynolds, Roberts, Romines, Sale, Schmidt, Sharpe, Smith, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible. Nays 0.

SB 204 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 204** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 210 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved the adoption of the following Floor Amendment No. 1 to **SB 210:**

Amend printed copy of Senate Bill 210, page 17, line 18, by deleting the entire Section 7 and inserting in lieu thereof

"Section 7. KRS 45.320 is amended to read as follows:

The department of finance shall:

(1) Within ten (10) days after the close of each month, furnish each budget unit with copies of the department's active accounts with the appropriations and allotments in favor of that budget unit, showing all the transactions recorded in the previous month and the balances as of the beginning and end of that month.

(2) Within ten (10) days after the close of each month, prepare and transmit to the governor a report embodying a summary statement of the actual financial condition of each fund as of the close of the previous month, a summary statement showing the receipts and payments of each fund for the previous month and the current fiscal year to the close of the previous month, a summary budget statement for each fund showing the available cash balance as of the end of the previous month, the amount of cash estimated to be realized from each source during the remaining months of the fiscal year, the total means of financing, the amount of the unallotted balances of appropriations, the estimated amount of unliquidated commitments, and the estimated cash surplus or deficit.

(3) On or before January 1 of each year, file with the governor a complete report of the financial transactions of the preceding fiscal year and of the financial condition of the state as of the end of that fiscal year, with such comments and supplementary data as it deems necessary to make the report complete and easy to understand.

(4) Each department head and cabinet secretary shall, within thirty (30) days following December 31, 1974, June 30, 1975, and each six months thereafter submit to the Governor, with a copy to the Legislative Research Commission and the Commissioner of the Executive Department for Finance and Administration, a report, to be known as the "program status report," showing for each program and, if applicable, for each subprogram, within his areas of responsibility for the preceding six months the following:

(a) Appropriations, allotments, expenditures, encumbrances, and available balance.

(b) The level of service budgeted, defined in terms of objectives and beneficiaries.

(c) The level of services delivered during the period.

(d) Alternatives for improved service delivery.

(e) Any changes in service authorized or necessary as a result of unanticipated changes in clientele, resources, or for other reasons.

(f) An evaluation of results, including a description of measurements used."

and on page 20, lines 13 and 14, by deleting the words "to correct errors, except to return excess transfers, to" and inserting in lieu thereof the words "except to correct errors, or to return excess transfers,"

Agreed.

Representative Clarke moved the adoption of **SB 210** as amended.

On the roll call the vote was yeas 71-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Gay, Givhan, Graves, Hancock, Hardin, Head, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Karem, Kenton, King, Lindsay, Louden, Mason, May, Maynard, McBee, McBrayer, McBride, Morgan, O'Brien, Overstreet, Pearman, Paxton, Quickert, Rattliff, Reynolds, Roberts, Robinson, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Whitfield, Wible. Nays 0.

SB 210 as amended was passed and the title agreed to.

Representative Clarke moved that the vote by which **SB 210** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 30 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 62-Arnold, Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Bruce, Clapp, Clarke, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Givhan, Graves, Hancock, Hardin, Head, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kenton, King, Lindsay, Little, Louden, Mason, May, McBee, McBrayer, McBride, O'Brien, Overstreet, Pearman, Paxton, Quickert, Rattliff, Reynolds, Roberts, Romines, Sale, Schmaedecke, Sharpe, Siemens, Smith, Stone, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, Wells, Whitfield, Wible. Nays 7-Adams, Blythe, Dawahare, Karem, Morgan, Robinson, Schmidt.

SB 30 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 30** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Speaker Pro Tempore presiding.

SB 143 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Beshear moved that **SB 143** be placed upon its passage.

On the roll call the vote was yeas 66-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Clarke, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Gay, Graves, Guenthner, Hancock, Hardin, Head, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes,

Isler, Karem, Kenton, King, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, O'Brien, Overstreet, Paxton, Quickert, Rattliff, Reynolds, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Turner, Van Horn, Watkins, Wells, Whitfield, Wible. Nays 2-Foster, Robinson.

SB 143 was passed and the title agreed to.

Representative Beshear moved that the vote by which **SB 143** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 158 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Van Horn moved that **SB 158** be laid on the Clerk's desk.

On the roll call the vote was yeas 35-Adams, Arnold, Blythe, Bruce, Clapp, Davis, Dawahare, DeMarcus, Donnermeyer, Gay, Guenthner, Hardin, Head, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, King, Lindsay, Little, May, Overstreet, Rattliff, Robinson, Sharpe, Smith, Thomas, Troop, Turner, Van Horn, G. White, Whitfield. Nays 31-Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Clarke, Dietz, Foster, Givhan, Graves, Hellard, Isler, Karem, Kenton, Maynard, McBee, McBride, Pearman, Paxton, Quickert, Reynolds, Richardson, Schmidt, Siemens, Stephens, Stone, Swinford, Vincent, Wells, Yates.

The motion that **SB 158** be laid on the Clerk's desk was adopted.

HB 548, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Quickert moved the adoption of the Committee Amendment to **HB 548.** Agreed.

Representative Quickert moved that **HB 548** as amended be placed upon its passage.

On the roll call the vote was yeas 58-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, Burch, Chandler, Clapp, Clarke, Davis, Donnermeyer, Dunn, Givhan, Guenthner, Hardin, Head, Hellard, Hinkle, Holbrook, Isler, Kafoglis, Karem, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Roberts, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Swinford, Thomas, Troop, Turner, Vincent, Watkins, Wells, Whitfield, Yates. Nays 21-Adams, R. Brown, Bruce, Dawahare, DeMarcus, Denham, Gay, Graves, Hancock, Hislope, Hopkins, Hughes, Imes, King, Lindsay, Rattliff, Robinson, Smith, Stone, Van Horn, J. White.

HB 548 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 548** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that the rules be suspended for Reference of Bills and Resolutions. Agreed.

Reference of Bills and Resolutions

Appropriations and Revenue: **SR 30.**

Cities: **SB 269, SB 273.**

Health and Welfare: **SR 29.**

Labor and Industry: **SR 34.**

Public Utilities and Transportation: **SB 216.**

Orders of the Day (continued)

HB 673, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the Committee Amendment No. 1 to **HB 673.** Agreed.

Representative Swinford moved that **HB 673** as amended be placed upon its passage.

On the roll call the vote was yeas 73-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Burch, Chandler, Clapp, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, King, Lindsay, Louden, Mann, May, Maynard, McBee, McBrayer, McBride, O'Brien, Overstreet, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible. Nays 0.

HB 673 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 673** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 732 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Van Horn moved that **HB 732** be placed upon its passage.

On the roll call the vote was yeas 78-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Burch, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, King, Lewis, Lindsay, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, Morgan, O'Brien, Overstreet, Paxton, Priddy, Rattliff, Reynolds, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stone, Swinford, Troop, Turner, Van Horn, Wells, G. White, J. White, Whitfield, Wible. Nays 0.

HB 732 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 732** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Recess

Representative Swinford moved that the House recess until 2:00 P.M. Agreed.

At the appointed hour, the Speaker Pro Tempore resumed the Chair and called the House to order.

Orders of the Day (continued)

SB 175 taken from Orders of the Day and ordered read at length for the third time. Representative DeMarcus moved that it be read by title only and placed upon its passage. Agreed by a majority of members

elected.

Representative Quickert moved that **SB 175** be placed upon its passage.

On the roll call the vote was yeas 63-Allen, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Chandler, Clarke, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Graves, Hancock, Hardin, Head, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Isler, Kafoglis, Karem, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, O'Brien, Paxton, Priddy, Quickert, Reynolds, Richardson, Romines, Sale, Schmidt, Sharpe, Smith, Stephens, Stewart, Stone, Troop, Turner, Van Horn, Vincent, Wells, J. White, Yates. Nays 6-Clapp, Imes, Kleier, Overstreet, Rattliff, Robinson.

SB 175 was passed and the title agreed to.

Representative DeMarcus moved that the vote by which **SB 175** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Karem moved that **SB 158** be taken from the Clerk's desk and placed in Orders of the Day. Agreed.

Representative Karem moved that **SB 158** be taken from Orders of the Day and placed upon its passage. Agreed.

Representative Karem moved that consideration of **SB 158** be deferred and that it retain its position in Orders of the Day. Agreed.

SB 177 taken from Orders of the Day and ordered read at length for the third time. Representative DeMarcus moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hancock moved the adoption of the following Floor Amendment No. 2 to **SB 177:**

Amend printed copy of Senate Bill 177, page 2, line 12, by deleting "licenses" and inserting in lieu thereof: "licensed";

and on page 2, following line 12, by inserting "(6) Persons actively engaged in the practice of installing, erecting or repairing boilers in this state for a period of not less than three (3) years prior to the effective date of this Act, upon furnishing adequate proof thereof to the department and upon payment of an application license fee of fifty dollars ($50) shall be entitled to a license under the provisions of this Act without examination. Application for such a license shall be filed with the department not later than ninety (90) days after the effective date of this Act."; and on

page 2, line 15, by deleting "An erector, installer or repairer's license" and inserting in lieu thereof "A license issued under this Act"; and on

page 3, line 17, by deleting "repair" and inserting in lieu thereof "make major repairs effecting the strength of"; and on

page 3, line 18, by deleting "to install"; and on

page 3, lines 20 and 21, by deleting "to install, erect or repair boilers and their connecting piping and "no" and inserting in lieu thereof "under this Act. (2) No"; and on

page 3, line 22, by deleting "immediate"; and on

page 3, line 24, by deleting "(2)" and inserting in lieu thererof "(3)"; and on

page 4, line 1, by deleting "(3)" and inserting in lieu thereof "(4)"; and on

page 4, line 6, by deleting "repairs to" and inserting in lieu thereof "major repairs effecting the strength of"; and on

page 4, line 13, by deleting "to repair boilers and boiler" and inserting in lieu thereof "under the provisions of this Act."; and on

page 4, by deleting lines 14 and 15 in their entirety

On the roll call the vote was yeas 43-Adams, Allen, Beshear, Blythe, Brewer, R. Brown, Burch, Crupper, Davis, Dawahare, Denham, Freeman, Gay, Guenthner, Hancock, Head, Hinkle, Holbrook, Holloway, Hurst, Kafoglis, Karem, Kleier, Lewis, Lindsay, Louden, May, Maynard, McBrayer, Morgan, O'Brien, Overstreet, Pearman, Rattliff, Reynolds, Romines, Stewart, Troop, Turner, Vincent, Wells, G. White, Yates. Nays 25-Benson, Blandford, Blume, Clapp, Donnermeyer, Dunn, Foster, Graves, Hardin, Hughes, Imes, Isler, Mann, McBee, McBride, Nett, Paxton, Priddy, Quickert, Schmidt, Siemens, Smith, Thomas, Van Horn, Wible.

The Floor Amendment No. 2 to **SB 177** was adopted.

Representative Burch moved the adoption of the following Floor Amendment No. 1 to **SB 177:**

Amend printed copy of Senate Bill 177, page 1, line 5, by inserting after the word "boilers" and before the "," the following:

"*operating at less than 500 pounds per square inch gauge or at less than 500 degrees Fahrenheit*"

Agreed.

Representative Donnermeyer moved that **SB 177** as amended be placed upon its passage.

On the roll call the vote was yeas 58-Allen, Benson, Blandford, Blume, Bowles, Brewer, R. Brown, Burch, Clapp, Crupper, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Hardin, Head, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Isler, Karem, Lewis, Lindsay, Louden, Mann, May, Maynard, McBee, McBrayer, McBride, Morgan, O'Brien, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Romines, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Troop, Turner, Van Horn, Watkins, Wells, Wible. Nays 13-Blythe, Clarke, Davis, Hellard, Holloway, Imes, Kafoglis, Kleier, Little, Nett, Overstreet, Vincent, G. White.

SB 177 as amended was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which **SB 177** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 236, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved the adoption of the Committee Amendment No. 1 to **SB 236.**

On the roll call the vote was yeas 49-Adams, Arnold, Benson, Beshear, Blandford, Blume, Blythe, Brewer, Burch, Chandler, Clapp, Clarke, Donnermeyer, Graves, Guenthner, Hancock, Hinkle, Hopkins, Imes, Kafoglis, Karem, Kenton, Kleier, Lewis, Lindsay, Mann, May, Maynard, McBrayer, McBride, Morgan, Nett, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Schmidt, Siemens, Stephens, Swinford, Troop, Van Horn, Watkins, Wells, G. White, Wible, Yates. Nays 31-Allen, Bowles, R. Brown, Crupper, Davis, DeMarcus, Denham, Dietz, Foster, Gay, Hardin, Head, Hughes, Hurst, Isler, Little, Louden, McBee, O'Brien, Overstreet, Pearman, Roberts, Robinson, Sale, Sharpe, Smith, Stewart, Stone, Turner, Vincent, J. White.

The Committee Amendment No. 1 to **SB 236** was adopted.

Representative Maynard moved the adoption of the following Floor Amendment No. 5 to **SB 236:**

Amend printed copy of Senate Bill 236, page 8, after line 25, by adding the following section:

"Section 6. KRS 64.250 is amended to read as follows:

(1) In counties containing a population of over 250,000, each justice of the peace shall be exclusively compensated for the performance of the duties of his office by a salary *to be determined by the fiscal court at a rate no less than* [of] $9,600 per annum *but no greater than $12,000 per annum*, which shall be paid, in equal monthly installments, out of the county treasury.

(2) The provisions of subsections (2), (3) and (4) of KRS 64.200 shall apply to justices of the peace in counties containing a population of over 250,000, the same as to constables, and the recorder shall perform the same duties and functions in regard to moneys collected by or for justices of the peace as they are required by KRS 64.200 to perform in regard to moneys collected by or for constables.

(3) The justices of the peace in said counties shall collect one dollar ($1.00) upon each original civil action commencing with original process in their courts, when the action is filed, and apply it as a credit upon the costs accruing in the action. Sums collected under this subsection shall be paid into the county treasury in the manner prescribed by KRS 64.200 for constable's fees."

and on line 26, by striking "6" and inserting in lieu thereof "7";

and on page 9, line 3, by adding "justices of the peace," after "jailers,".

Agreed.

Representative Clarke moved that **SB 236** as amended be placed upon its passage.

Representative Hopkins moved the adoption of the following Floor Amendment No. 3 to **SB 236:**

Amend printed copy of Senate Bill 236, page 1, lines 1-20, by deleting on page 1, lines 1-20 in their entirety

and on page 2 by deleting lines 1 and 2 in their entirety

and on page 2, line 3, by deleting the figure "2" after the word "Section" and substituting in lieu thereof the figure "1"

and on page 3, line 22, by deleting the figure "3" after the word "Section" and substituting in lieu thereof the figure "2"

and on page 5, line 6, by deleting the figure "4" after the word "Section" and substituting in lieu thereof the figure "3"

and on page 8, line 19, by deleting the figure "5" after the word "Section" and substituting in lieu thereof the figure "4"

On the roll call the vote was yeas 14-Adams, Allen, Blythe, R. Brown, Holloway, Hopkins, Hurst, Lindsay, McBee, Overstreet, Robinson, Sale, Schmidt, Van Horn. Nays 67-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Bowles, Brewer, Bruce, Chandler, Clarke, Crupper, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Graves, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Lewis, Little, Mann, Mason, May, Maynard, McBrayer, McBride, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Roberts, Romines, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Troop, Turner, Vincent, Watkins, Wells, G. White, Wible, Yates.

The Floor Amendment No. 3 to **SB 236** was rejected.

On the roll call the vote was yeas 78-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Dietz, Donnermeyer, Dunn, Gay, Graves, Hancock, Hardin, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kleier, Lewis, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Romines, Schmidt, Sharpe, Siemens, Smith, Stephens,

Stewart, Stone, Swinford, Troop, Turner, Vincent, Watkins, Wells, G. White, Wible, Yates. Nays 8-Allen, Denham, Head, Hurst, Lindsay, Robinson, Sale, Van Horn.

SB 236 as amended was passed and the title agreed to.

Representative Clarke moved that the vote by which **SB 236** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Clarke moved the adoption of the following Title Amendment to **SB 236:**

Amend printed copy of Senate Bill 236, page 1, by striking the title and inserting in lieu thereof "AN ACT relating to the compensation and accountability of elected officials."

The Title Amendment to **SB 236** was adopted by voice vote.

SB 206, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blume moved the adoption of the Committee Substitute for **SB 206.** Agreed.

Representative Blume moved the adoption of the following Floor Amendment No. 11 to the Committee Substitute for **SB 206:**

Amend printed copy of Committee Substitute for Senate Bill 206, page 2, line 6, by inserting after the word "rate" the following:

", not to exceed one-half of one per cent (.5%),"

Agreed.

Representative O'Brien moved the adoption of the following Amendment No. 5 to the Committee Substitute for **SB 206:**

Amend printed copy of Committee Substitute for Senate Bill 206, page 3, line 1, by placing a period after 160.617 and deleting lines 2, 3, and 4.

Rejected.

Representative Hughes moved the adoption of the following Floor Amendment No. 9 to the Committee Substitute for **SB 206:**

Amend printed copy of Committee Substitute for Senate Bill 206, page 2, line 6, by inserting after the word "rate" the following: "as determined by the fiscal court".

On the roll call the vote was yeas 15-Burch, Chandler, Dunn, Guenthner, Hancock, Holbrook, Holloway, Hughes, O'Brien, Priddy, Rattliff, Robinson, Romines, Van Horn, Yates. Nays 54-Allen, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Clapp, Clarke, Crupper, Dietz, Donnermeyer, Foster, Givhan, Graves, Hardin, Head, Hellard, Imes, Isler, Kafoglis, Karem, Kenton, Lewis, Little, Mann, May, McBee, McBrayer, McBride, Morgan, Nett, Pearman, Paxton, Quickert, Reynolds, Richardson, Roberts, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Troop, Turner, Watkins, J. White, Wible.

The Floor Amendment No. 9 to the Committee Substitute for **SB 206** was rejected.

Representative Blume moved that **SB 206,** by way of Committee Substitute as amended, be placed upon its passage.

On the roll call the vote was yeas 63-Adams, Allen, Arnold, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Clapp, Clarke, Crupper, Davis, Denham, Dietz, Donnermeyer, Foster, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hinkle, Imes, Kafoglis, Karem, Kenton, Kleier, Lewis, Lindsay, Little,

Louden, Mann, May, Maynard, McBee, McBride, McGill, Morgan, Pearman, Paxton, Quickert, Reynolds, Richardson, Roberts, Sale, Schmaedecke, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Troop, Turner, Vincent, Watkins, J. White, Whitfield, Wible. Nays 24-Bennett, Burch, Chandler, DeMarcus, Dunn, Freeman, Guenthner, Hislope, Holloway, Hopkins, Hughes, Hurst, Isler, King, McBrayer, Nett, O'Brien, Priddy, Rattliff, Robinson, Romines, Thomas, Van Horn, Yates.

SB 206 by way of Committee Substitute as amended, was passed.

Representative Blume moved the adoption of the following Title Amendment to the Committee Substitute for **SB 206:**

Amend printed copy of Committee Substitute for Senate Bill 206, page 1, by amending the title to read as follows: "AN ACT relating to revenue and taxation for school purposes in counties containing a city of the first class."

The Title Amendment to the Committee Substitute for **SB 206** was adopted.

Representative Blume moved that the vote by which **SB 206,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Speaker Blume presiding.

Representative Reynolds moved that consideration of **SB 247** be deferred and that it retain its position in Orders of the Day. Agreed.

SB 264 taken from Orders of the Day and ordered read at length for the third time. Representative Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blandford moved that **SB 264** be placed upon its passage.

On the roll call the vote was yeas 61-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Crupper, Davis, Dawahare, Denham, Donnermeyer, Dunn, Foster, Freeman, Gay, Hancock, Hardin, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Karem, Kenton, King, Mann, May, McBrayer, McGill, O'Brien, Overstreet, Pearman, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stewart, Stone, Swinford, Thomas, Turner, Van Horn, Vincent, G. White, Whitfield, Wible. Nays 3-Lindsay, Mason, McBee.

SB 264 was passed and the title agreed to.

Representative Reynolds moved that the vote by which **SB 264** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 267 taken from Orders of the Day and ordered read at length for the third time. Representative Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Beshear moved that **SB 267** be placed upon its passage.

On the roll call the vote was yeas 52-Adams, Bennett, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Crupper, Dawahare, Dietz, Donnermeyer, Dunn, Foster, Graves, Hancock, Hardin, Holbrook, Hughes, Isler, Kafoglis, Kenton, King, Lewis, Lindsay, Little, Mann, McBee, McBrayer, McGill, O'Brien, Overstreet, Priddy, Reynolds, Richardson, Romines, Sale, Schmaedecke, Sharpe, Smith, Stewart, Swinford, Turner, Van Horn, Vincent, J. White, Whitfield, Wible. Nays 14-Allen, Davis, Denham, Hellard, Hislope, Hopkins, Hurst, Imes, Karem, Mason, Quickert, Rattliff, Robinson, Stone.

SB 267 was passed and the title agreed to.

Representative Reynolds moved that the vote by which **SB 267** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 274 taken from Orders of the Day and ordered read at length for the third time. Representative Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lewis moved that **SB 274** be placed upon its passage.

On the roll call the vote was yeas 44-Adams, Benson, Beshear, Blandford, Blume, R. Brown, Burch, Chandler, Clapp, Dawahare, Donnermeyer, Dunn, Foster, Graves, Hancock, Kafoglis, Karem, Kenton, Kleier, Lewis, Little, Louden, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, Pearman, Paxton, Quickert, Reynolds, Romines, Stewart, Swinford, Turner, Vincent, Wells, G. White, J. White, Wible. Nays 30-Allen, Arnold, Bennett, Brewer, Crupper, Davis, DeMarcus, Denham, Gay, Guenthner, Head, Hislope, Holbrook, Hopkins, Hughes, Hurst, Isler, King, Lindsay, O'Brien, Overstreet, Rattliff, Richardson, Robinson, Schmidt, Smith, Stone, Troop, Van Horn, Watkins.

SB 274 was passed and the title agreed to.

Representative Lewis moved that the vote by which **SB 274** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 319, HB 490, HB 491,** and **HB 493** had been examined and found correctly enrolled. **HB 319, HB 490, HB 491,** and **HB 493** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Orders of the Day (continued)

SB 295 taken from Orders of the Day and ordered read at length for the third time. Representative Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved that **SB 295** be placed upon its passage.

On the roll call the vote was yeas 63-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Burch, Chandler, Clapp, Crupper, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Guenthner, Hancock, Hardin, Head, Hinkle, Holbrook, Hughes, Isler, Kafoglis, King, Lewis, Louden, Mann, Mason, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stewart, Swinford, Thomas, Troop, Turner, Vincent, Watkins, G. White, J. White, Wible. Nays 10-Bruce, DeMarcus, Hellard, Karem, Lindsay, Overstreet, Richardson, Robinson, Van Horn, Whitfield.

SB 295 was passed and the title agreed to.

Representative Reynolds moved that the vote by which **SB 295** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 247 taken from Orders of the Day and ordered read at length for the third time. Representative Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved that **SB 247** be placed upon its passage.

On the roll call the vote was yeas 72-Arnold, Bennett, Beshear, Blandford, Blume, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Graves, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Isler, Kafoglis, Karem, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stewart, Swinford, Thomas, Troop, Turner, Van

Horn, Vincent, G. White, J. White, Whitfield, Wible. Nays 0.

SB 247 was passed and the title agreed to.

Representative Reynolds moved that the vote by which **SB 247** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 298 taken from Orders of the Day and ordered read at length for the third time. Representative Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved that **SB 298** be placed upon its passage.

On the roll call the vote was yeas 64-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Hancock, Hardin, Head, Hellard, Hinkle, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lewis, Little, Louden, Mann, Mason, May, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stewart, Swinford, Thomas, Troop, Turner, Vincent, Wible. Nays 9-Bruce, DeMarcus, Hislope, Holbrook, Hopkins, Lindsay, Overstreet, Robinson, Van Horn.

SB 298 was passed and the title agreed to.

Representative Reynolds moved that the vote by which **SB 298** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HR 86 taken from Orders of the Day. Representative Reynolds moved that it be placed upon its passage.

Representative Hislope moved the adoption of the following **HR 86:**

HR 86, A RESOLUTION honoring Troop 79 of the Boy Scouts of America on their Fiftieth Anniversary.

WHEREAS, on April 27, 1974, Troop 79 of the First Christian Church of Somerset, Kentucky, will be fifty years old and on that date will hold their Fiftieth Anniversary Reunion; and

WHEREAS, the Somerset Troop is one of the oldest continuously active troops in the state and nation, and President Calvin Coolidge acting as honorary president of the Boy Scouts of America signed the original Somerset Charter; and

WHEREAS, Gib Gosser of THE COMMONWEALTH-JOURNAL said, "Troop 79 from the innocence of childhood, young boys from the last half century have grown to be men--corporate executives, businessmen, lawyers, laborers, doctors, teachers--all prepared by Scouting to face an ever changing world."; and

WHEREAS, during the last fifty years, more than one thousand members of Troop 79 have been courteous, kind, and friendly to their fellowman, imbued with the philosophy of Duty to God and Country, Duty to Others, and Duty to Self, and have made a significant contribution to mankind; and

WHEREAS, the above mentioned Troop is still active, is still performing its traditional good deeds every day, and will participate in the promotion of the Kentucky Bicentennial Celebration; and

WHEREAS, if all boys throughout the world for the last fifty years had had the training that Troop 79 has had, surely there would have been more good will, more cooperation, more understanding, and more love among all the people of the earth; consequently, a more wonderful and better world;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives of the Commonwealth of Kentucky take note of and pay tribute to Troop 79 of the Boy Scouts of America on this the year of their Fiftieth Anniversary, and recognize and remember: C. A. Bond, Chester Kaiser, Paul Dexheimer, Ben D. Smith, Victor Stone, Edgar Murrell, M. N. Berry, Jr., Larry Nunemaker, Sr., for their contributions in the fifty year Boy Scout training

program.

HR 86 was adopted by voice vote.

SB 158 taken from Orders of the Day and ordered read at length for the third time. Representative Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Karem moved that **SB 158** be placed upon its passage.

On the roll call the vote was yeas 46-Adams, Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Burch, Clarke, Davis, Dawahare, Denham, Donnermeyer, Dunn, Freeman, Gay, Hellard, Kafoglis, Karem, Kenton, Kleier, Lewis, Little, Mason, McBee, McGill, Nett, O'Brien, Paxton, Quickert, Reynolds, Richardson, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stone, Swinford, Thomas, Troop, Vincent, Watkins, J. White, Wible, Yates. Nays 26-Brewer, Chandler, Clapp, DeMarcus, Guenthner, Hancock, Hardin, Head, Hislope, Holbrook, Hopkins, Hughes, Isler, Lindsay, Mann, May, Morgan, Overstreet, Priddy, Rattliff, Robinson, Smith, Stephens, Stewart, Turner, Van Horn.

SB 158 was passed and the title agreed to.

Representative Reynolds moved that the vote by which **SB 158** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 860 taken from Orders of the Day and ordered read at length for the third time. Representative Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative J. White moved that **HB 860** be placed upon its passage.

On the roll call the vote was yeas 75-Adams, Bennett, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lindsay, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stewart, Stone, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Wible, Yates. Nays 0.

HB 860 was passed and the title agreed to.

Representative Reynolds moved that the vote by which **HB 860** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Paxton moved that **HB 245** be recommitted to the Committee on Judiciary. Agreed.

Representative Reynolds moved that consideration of **HB 328** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 599 taken from Orders of the Day and ordered read at length for the third time. Representative Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Schmaedecke moved that **HB 599** be placed upon its passage.

On the roll call the vote was yeas 70-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blume, Blythe, Brewer, R. Brown, Clapp, Clarke, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Hopkins, Hughes, Isler, Kafoglis, Kenton, King, Kleier, Lindsay, Little, Louden, Mann, Mason, McBee, McBrayer, McBride, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Smith, Stewart, Stone, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, Wells, Whitfield, Wible, Yates. Nays 0.

HB 599 was passed and the title agreed to.

Representative Reynolds moved that the vote by which **HB 599** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 647, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Holbrook moved the adoption of the Committee Amendment No. 1 to **HB 647.** Agreed.

On the roll call the vote was yeas 65-Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Burch, Clapp, Clarke, Davis, DeMarcus, Denham, Dietz, Dunn, Foster, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Hurst, Isler, Kafoglis, Kenton, Lindsay, Little, Louden, Mann, Mason, McBee, McBrayer, Morgan, Nett, Overstreet, Pearman, Priddy, Rattliff, Richardson, Robinson, Romines, Schmaedecke, Sharpe, Smith, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, Whitfield, Wible, Yates. Nays 0.

HB 647 was passed and the title agreed to.

Representative Reynolds moved that the vote by which **HB 647** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Reynolds moved that **HB 649** be taken from Orders of the Day and placed upon its passage. Agreed.

Representative Lewis moved that **HB 649** be recommitted to the Committee on Appropriations and Revenue. Agreed.

Representative Reynolds moved that consideration of **HB 659** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative Reynolds moved that consideration of **HB 865** be deferred and that it retain its position in Orders of the Day. Agreed.

SB 127 taken from Orders of the Day and ordered read at length for the third time. Representative Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved that **SB 127** be placed upon its passage.

On the roll call the vote was yeas 53-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Burch, Chandler, Clapp, Clarke, DeMarcus, Dietz, Dunn, Foster, Graves, Guenthner, Head, Hinkle, Hislope, Holbrook, Hopkins, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Lewis, Lindsay, Little, Mann, Mason, McBee, McBrayer, Morgan, Nett, Quickert, Rattliff, Robinson, Romines, Schmaedecke, Sharpe, Stephens, Stone, Swinford, Thomas, Van Horn, Vincent, Watkins, Wible. Nays 12-Allen, Crupper, Denham, Hancock, Hardin, Hellard, Hughes, Overstreet, Pearman, Smith, Stewart, Turner.

SB 127 was passed and the title agreed to.

Representative Reynolds moved that the vote by which **SB 127** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 200 taken from Orders of the Day and ordered read at length for the third time. Representative Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Romines moved that **SB 200** be placed upon its passage.

On the roll call the vote was yeas 62-Arnold, Bennett, Benson, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Crupper, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Hughes, Hurst, Imes, Isler, Karem, Kenton, Lewis, Lindsay, Little, Mason, McBee, McBrayer, Morgan, Nett, O'Brien, Overstreet, Pearman, Priddy, Rattliff, Reynolds, Robinson, Romines, Schmaedecke, Sharpe, Smith, Stephens, Stewart, Stone, Swinford, Van Horn, Vincent, Watkins, Wible. Nays 0.

SB 200 was passed and the title agreed to.

Representative Reynolds moved that the vote by which **SB 200** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 208 taken from Orders of the Day and ordered read at length for the third time. Representative Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Quickert moved the adoption of the following Floor Amendment No. 1 to **SB 208:**

Amend printed copy of Senate Bill 208, page 3, lines 8 through 10, by deleting lines 8 through 11 inclusive.

On the roll call the vote was yeas 14-Arnold, Benson, R. Brown, Hellard, Isler, Karem, Lewis, Lindsay, Mann, Nett, Pearman, Priddy, Quickert, Reynolds. Nays 39-Adams, Allen, Bennett, Bruce, Burch, Chandler, Clarke, Dawahare, Denham, Dunn, Foster, Guenthner, Hancock, Hardin, Hinkle, Holbrook, Hopkins, Hughes, Imes, Kafoglis, Little, Mason, McBrayer, Morgan, O'Brien, Rattliff, Robinson, Romines, Sharpe, Stewart, Stone, Swinford, Troop, Turner, Van Horn, Vincent, J. White, Wible, Yates.

The Floor Amendment No. 1 to **SB 208** was rejected.

Representative Quickert moved the adoption of the following Floor Amendment No. 2 to **SB 208:**

Amend printed copy of Senate Bill 208, page 3, line 11, by inserting after the word "duties" the following ", except within a municipality or when such stopping or parking will block or impede the regular flow of traffic"

On the roll call the vote was yeas 10-Benson, Freeman, Hellard, Kafoglis, Karem, Lindsay, Mann, Quickert, Schmidt, Siemens. Nays 52-Adams, Allen, Arnold, Bennett, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Dawahare, Denham, Dunn, Foster, Gay, Graves, Guenthner, Hancock, Hardin, Hinkle, Hislope, Holbrook, Hughes, Hurst, Imes, Lewis, Mason, May, McBrayer, Morgan, O'Brien, Overstreet, Pearman, Priddy, Rattliff, Reynolds, Richardson, Robinson, Romines, Sharpe, Stephens, Stewart, Stone, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Wible, Yates.

The Floor Amendment No. 2 to **SB 208** was rejected.

Representative Bruce moved that **SB 208** be placed upon its passage.

On the roll call the vote was yeas 65-Adams, Allen, Arnold, Bennett, Beshear, Blythe, R. Brown, Bruce, Burch, Chandler, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Graves, Guenthner, Hardin, Head, Hinkle, Hislope, Holbrook, Hughes, Imes, Kafoglis, Lewis, Lindsay, Little, Louden, Mann, Mason, May, McBee, McBrayer, Morgan, Nett, O'Brien, Overstreet, Priddy, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Sharpe, Stephens, Stewart, Stone, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Wible, Yates. Nays 5-Benson, Clarke, Hellard, Karem, Quickert.

SB 208 was passed and the title agreed to.

Representative Reynolds moved that the vote by which **SB 208** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 472 taken from Orders of the Day and ordered read at length for the third time. Representative Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members

elected.

Representative R. Brown moved that **HB 472** be placed upon its passage.

On the roll call the vote was yeas 64-Adams, Arnold, Bennett, Benson, Beshear, Blume, Blythe, R. Brown, Chandler, Clarke, Crupper, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Graves, Guenthner, Hardin, Head, Hellard, Hinkle, Hislope, Hurst, Imes, Isler, Kafoglis, Karem, Lewis, Lindsay, Louden, Mann, Mason, McBee, McBrayer, Morgan, Nett, O'Brien, Overstreet, Pearman, Priddy, Rattliff, Richardson, Robinson, Romines, Sale, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Turner, Van Horn, Vincent, Wells, J. White, Wible, Yates. Nays 1-Hancock.

HB 472 was passed and the title agreed to.

Representative Reynolds moved that the vote by which **HB 472** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 786 taken from Orders of the Day and ordered read at length for the third time. Representative Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved that **HB 786** be placed upon its passage.

On the roll call the vote was yeas 64-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Graves, Guenthner, Hardin, Head, Hinkle, Hislope, Holloway, Hopkins, Hughes, Imes, Isler, Karem, Lewis, Mann, May, McBee, McBrayer, Morgan, Nett, O'Brien, Overstreet, Priddy, Reynolds, Richardson, Romines, Sale, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Turner, Van Horn, Vincent, Wells, Whitfield, Wible, Yates. Nays 9-Crupper, Hancock, Hellard, Hurst, Kafoglis, Lindsay, Mason, Robinson, G. White.

HB 786 was passed and the title agreed to.

Representative Reynolds moved that the vote by which **HB 786** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HJR 83 taken from Orders of the Day and ordered read at length for the third time. Representative Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Robinson moved that the rules be suspended for the purpose of offering an amendment. Agreed.

Representative Robinson moved the adoption of the following Floor Amendment No. 2 to **HJR 83:**

Amend printed copy of House Resolution 83, page 1, Title line, by deleting the word "JOINT" and the word "directing" and by adding in lieu of the word "directing" the word "requesting"

Agreed.

Representative Robinson moved that **HJR 83** as amended be placed upon its passage.

On the roll call the vote was yeas 64-Adams, Allen, Arnold, Bennett, Beshear, R. Brown, Chandler, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Dunn, Foster, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Lewis, Lindsay, Louden, Mann, McBee, McBrayer, Nett, Overstreet, Pearman, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Van Horn, Vincent, Watkins, J. White, Wible, Yates. Nays 1-May.

HJR 83 as amended was passed and the title agreed to.

Representative Reynolds moved that consideration of **SB 188** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative G. White moved that consideration of **HB 730** be deferred and that it retain its position in Orders of the Day. Agreed.

SB 60 taken from Orders of the Day and ordered read at length for the third time. Representative Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wells moved that **SB 60** be placed upon its passage.

On the roll call the vote was yeas 74-Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, R. Brown, Bruce, Chandler, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Freeman, Gay, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, Kafoglis, Karem, Kenton, Lewis, Little, Louden, Mann, May, McBrayer, McBride, McGill, Nett, Overstreet, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, G. White, J. White, Wible, Yates. Nays 0.

SB 60 was passed and the title agreed to.

Representative Reynolds moved that the vote by which **SB 60** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HR 55 taken from Orders of the Day and ordered read at length for the third time. Representative Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

HR 55 was adopted by voice vote.

HB 186, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Reynolds moved the adoption of the Committee Substitute for **HB 186.** Agreed.

On the roll call the vote was yeas 68-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, R. Brown, Chandler, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Lewis, Lindsay, Little, Mann, May, McBee, McBrayer, McGill, Nett, Overstreet, Pearman, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Sharpe, Smith, Stewart, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, Wible, Yates. Nays 0.

HB 186, by way of Committee Substitute, was passed and the title agreed to.

Representative Reynolds moved that the vote by which **HB 186,** by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Reynolds moved that consideration of **HB 370** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 610 taken from Orders of the Day and ordered read at length for the third time. Representative Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Guenthner moved that **HB 610** be placed upon its passage.

On the roll call the vote was yeas 60-Allen, Arnold, Benson, Blandford, Blume, Chandler, Crupper, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Graves, Guenthner, Hancock,

Hardin, Head, Hellard, Hislope, Holbrook, Hopkins, Hughes, Imes, Isler, Karem, Lewis, Lindsay, Little, Mann, Mason, May, McBee, McBrayer, McGill, Overstreet, Pearman, Priddy, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stewart, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, Wible, Yates. Nays 0.

HB 610 was passed and the title agreed to.

Representative Reynolds moved that the vote by which **HB 610** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Reynolds moved that consideration of **HB 612** be deferred and that it retain its position in Orders of the Day. Agreed.

HB 811 taken from Orders of the Day and ordered read at length for the third time. Representative Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Benson moved that **HB 811** be placed upon its passage.

On the roll call the vote was yeas 60-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, R. Brown, Chandler, Clarke, Crupper, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Hardin, Head, Hellard, Holbrook, Hopkins, Hughes, Imes, Isler, Karem, Kenton, Lewis, Lindsay, Little, Mann, Mason, May, McBee, McBrayer, McGill, Morgan, Nett, Overstreet, Pearman, Priddy, Quickert, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stewart, Swinford, Troop, Van Horn, Vincent, Watkins, Wible, Yates. Nays 3-Allen, DeMarcus, Robinson.

HB 811 was passed and the title agreed to.

Representative Reynolds moved that the vote by which **HB 811** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 835, taken from Orders of the Day. Representative Reynolds moved that it be placed upon its passage. Agreed.

Representative Dunn moved that **HB 835** be recommitted to the Committee on Business Organizations and Professions. Agreed.

HB 864 taken from Orders of the Day and ordered read at length for the third time. Representative Reynolds moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pearman moved that **HB 864** be placed upon its passage.

On the roll call the vote was yeas 71-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Bruce, Chandler, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Gay, Graves, Hancock, Hardin, Head, Hellard, Hislope, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Karem, Kenton, Lewis, Little, Louden, Mann, Mason, May, McBee, McBrayer, Morgan, Nett, O'Brien, Overstreet, Pearman, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stewart, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, Wible, Yates. Nays 0.

HB 864 was passed and the title agreed to.

Representative Reynolds moved that the vote by which **HB 864** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HR 84 taken from Orders of the Day. Representative Reynolds moved that it be placed upon its passage. Agreed.

Representative Hopkins moved the adoption of **HR 84.**

HR 84 was adopted by voice vote.

Recess

The Speaker moved that the House recess for five minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Senate Message

Announcing passage of **SB 334, SB 282, SB 173.**

Orders of the Day (continued)

Representative Reynolds moved that **SB 188,** with Committee Amendment attached thereto, be taken from Orders of the Day and placed upon its passage. Agreed.

Representative Reynolds moved that the motion that **SB 188,** with Committee Amendment attached thereto, be taken from Orders of the Day and placed upon its passage be withdrawn. Agreed.

Recess

Representative Reynolds moved that the House recess for fifteen minutes. Agreed.

At the appointed hour, Representative Reynolds assumed the Chair and called the House to order.

Senate Message

Announcing passage of **SB 233** and **SB 329.**

Orders of the Day (continued)

HB 370, with Committee Substitute attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stephens moved the adoption of the Committee Substitute for **HB 370.** Agreed.

Representative Lewis moved that a call of the roll be taken to determine if a quorum was present. Agreed.

A call of the roll shows 60 members present.

Representative Stephens moved that **HB 370,** by way of Committee Substitute, be placed upon its passage.

On the roll call the vote was yeas 58-Adams, Allen, Arnold, Benson, Beshear, Blandford, Blythe, Burch, Chandler, Clapp, Clarke, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Hancock, Hellard, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Kleier, Lewis, Little, Louden, Mann, Mason, McBee, McBrayer, McBride, Morgan, Nett, O'Brien, Pearman, Priddy, Rattliff, Richardson, Robinson, Romines, Sale, Schmidt, Sharpe, Smith, Stephens, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Yates. Nays 1-McGill.

HB 370, by way of Committee Substitute, was passed and the title agreed to.

Representative Stephens moved that the vote by which **HB 370,** by way of Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 188, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the Committee Amendment No. 1 to **SB 188.** Agreed.

Representative Little moved that consideration of **SB 188** as amended be deferred and that it retain its position in Orders of the Day.

Representative Freeman moved that **SB 188** as amended be laid on the table.

On the roll call the vote was yeas 13-Blandford, DeMarcus, Freeman, Lindsay, Little, Louden, McGill, Overstreet, Robinson, Stephens, Van Horn, Vincent, J. White. Nays 58-Allen, Arnold, Bennett, Benson, Blume, Blythe, Brewer, Burch, Chandler, Clapp, Clarke, Davis, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Kleier, Lewis, Mason, May, McBee, McBrayer, McBride, Morgan, Nett, O'Brien, Pearman, Priddy, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Swinford, Turner, Watkins, Whitfield, Yates.

The motion that **SB 188** as amended be laid on the table was rejected.

On the roll call the vote was yeas 12-Blandford, Davis, DeMarcus, Freeman, Imes, Little, Louden, Overstreet, Robinson, Schmaedecke, Stephens, J. White. Nays 55-Adams, Allen, Arnold, Bennett, Benson, Blume, Blythe, Burch, Chandler, Clapp, Clarke, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Lewis, Mann, May, McBee, McBrayer, McBride, Morgan, Nett, O'Brien, Pearman, Priddy, Rattliff, Richardson, Romines, Sale, Schmidt, Sharpe, Siemens, Smith, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Whitfield, Yates.

The motion that consideration of **SB 188** as amended be deferred and that it retain its position in Orders of the Day was rejected.

Representative O'Brien moved that **SB 188** as amended be placed upon its passage.

On the roll call the vote was yeas 47-Bennett, Benson, Blume, Blythe, Brewer, Burch, Chandler, Clapp, Clarke, Crupper, Donnermeyer, Dunn, Foster, Guenthner, Hancock, Hardin, Head, Hellard, Hopkins, Hughes, Hurst, Kafoglis, Karem, Kenton, Kleier, Lewis, Lindsay, Mann, McBee, McBride, Morgan, Nett, O'Brien, Pearman, Quickert, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Swinford, Watkins, Yates. Nays 29-Allen, Beshear, Blandford, Bruce, Davis, DeMarcus, Denham, Dietz, Freeman, Graves, Holbrook, Imes, Isler, Little, Louden, Mason, May, McGill, Overstreet, Priddy, Robinson, Smith, Thomas, Troop, Turner, Van Horn, Vincent, J. White, Whitfield.

SB 188 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 188** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 865 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative May moved that **HB 865** be placed upon its passage.

On the roll call the vote was yeas 72-Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, Burch, Chandler, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Kenton, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason,

May, McBee, McBride, Morgan, Nett, O'Brien, Overstreet, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Yates. Nays 0.

HB 865 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 865** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Blythe moved that the House concur in the following Senate Amendment to **HB 121:**

Amend printed copy of House Bill 121 as follows:

page 5, lines 22-26, by deleting lines 22 through 26 in their entirety;

and on page 6, by deleting lines 1 through 3 in their entirety;

and on page 8, by deleting lines 11 through 14 in their entirety; and on line 15 by deleting "(12)" and substituting in lieu thereof "(11)";

and on page 16, by deleting lines 10 through 19 in their entirety, and on line 20 by deleting "18" and substituting in lieu thereof "17", and on line 26, by deleting "19" and substituting in lieu thereof "18";

and on page 18, by deleting "20" and on line 21 substituting in lieu thereof "19";

and on page 19, line 6, by deleting "21" and substituting in lieu thereof "20, and on line 15, by deleting "22" and substituting in lieu thereof "21";

and on page 21, line 14, by deleting "23" and substituting in lieu thereof "22" and on line 20, by deleting "24" and substituting in lieu thereof "23".

Representative Robinson moved that the Senate Amendment to **HB 121** be laid on the table.

Representative Robinson moved that the motion to table the Senate Amendment to **HB 121** be withdrawn. Agreed.

On the roll call the vote was yeas 49-Bennett, Benson, Beshear, Blandford, Blume, Blythe, Burch, Chandler, Clapp, Clarke, Dietz, Donnermeyer, Dunn, Foster, Graves, Guenthner, Head, Hellard, Holbrook, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lewis, Mason, May, McBee, McBride, McGill, Morgan, Nett, O'Brien, Priddy, Quickert, Reynolds, Richardson, Sale, Schmidt, Sharpe, Siemens, Stephens, Swinford, Vincent, Watkins, Wible. Nays 17-Arnold, Brewer, Crupper, Davis, DeMarcus, Denham, Hancock, Hardin, Lindsay, Mann, Overstreet, Rattliff, Robinson, Smith, Van Horn, J. White, Yates.

The motion that the House concur in the Senate Amendment to **HB 121** was adopted.

On the roll call the vote was yeas 53-Bennett, Benson, Beshear, Blythe, Burch, Chandler, Clapp, Clarke, Dietz, Donnermeyer, Dunn, Foster, Graves, Guenthner, Hardin, Head, Hellard, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lewis, Lindsay, Mann, May, McBee, McBride, McGill, Morgan, Nett, O'Brien Overstreet, Priddy, Quickert, Reynolds, Richardson, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Swinford, Thomas, Van Horn, Vincent, Watkins, Wible. Nays 15-Adams, Allen, Arnold, Blandford, Brewer, Crupper, Davis, DeMarcus, Denham, Holbrook, Pearman, Robinson, Smith, J. White, Yates.

HB 121 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 121** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Lewis moved that the House concur in the following Senate Amendment to **HB 229:**

Amend printed copy of House Bill 229 as follows:

On page 2, lines 15 and 16, to delete the same

and on page 2, line 17, to delete "(3)" and to insert in lieu thereof "(2)"

and on page 2, line 25, after the word "employees." to add "Any of the above parties may appear with and be represented by counsel."

and on page 2, line 26, to delete "(4)" and to insert in lieu thereof "(3)"

and on page 3, line 4, to delete "(5)" and to insert in lieu thereof "(4)"

and on page 3, line 6, to delete "(6)" and to insert in lieu thereof "(5)"

and on page 3, line 11, to delete "(7)" and to insert in lieu thereof "(6)"

and on page 7, line 10, to delete the words "except garnishment,"

and on page 7, line 14, after the word "division" to add ", except that garnishment may be permitted, upon good cause shown, when the defendant does not pay a judgment in specified weekly installments or by the date specified in the judgment."

and on page 7, line 20, to delete the word "plaintiff's"

and on page 8, line 6, after the phrase "tried by de novo.", to add the following, "Any appeal pursuant to this section shall be taken within ten days. Appeals shall be taken in the same manner as for appeals from quarterly courts to circuit courts."

Agreed.

On the roll call the vote was yeas 70-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Graves, Guenthner, Hancock, Hardin, Head, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, King, Lewis, Lindsay, Little, Louden, Mann, Mason, May, McBee, McBride, McGill, Nett, O'Brien, Overstreet, Pearman, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Van Horn, Vincent, J. White, Wible. Nays 0.

HB 229 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 229** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Hughes moved that the House concur in the following Senate Amendment to **HB 76:**

Amend printed copy of House Bill 76 as follows:

Page 2, line 13, by deleting the comma after "*plant*" and by deleting the word "*is*"

and on line 14, by inserting after "*class*" the following: "*or a sewage treatment facility located in any other county*"

and on lines 14 and 15, by deleting "*pursuant to KRS Chapter 76*" and inserting in place thereof: "*by a metropolitan sewer district*"

and on page 4, line 15, by deleting "(1)" following "Section 1" and inserting "(3)" and on page 4 by inserting after line 14 the following:

"Section 2. A new section of KRS Chapter 278 is created to read as follows:

Notwithstanding any provision of the statutes to the contrary, nothing in this Act shall be construed to take any of the facilities in Section 1(3)(f) of this Act outside the jurisdiction of the planning commission or the local boards of health, nor shall anything in this Act be construed to confer upon any of the facilities in Section 1(3)(f) of this Act the power of eminent domain."

and on line 15, by changing "Section 2" to "Section 3" and on line 17, by changing "Section 3" to "Section 4"

Agreed.

Representative Hughes moved that **HB 76** be placed upon its passage as amended.

On the roll call the vote was yeas 56-Allen, Bennett, Benson, Beshear, Blandford, Blume, Brewer, Burch, Chandler, Clarke, Crupper, Davis, Denham, Donnermeyer, Dunn, Foster, Guenthner, Hardin, Head, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lewis, Mann, Mason, May, McBee, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Priddy, Reynolds, Richardson, Robinson, Romines, Sale, Sharpe, Siemens, Stephens, Swinford, Thomas, Troop, Van Horn, Vincent, Yates. Nays 0.

HB 76 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 76** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Kafoglis moved that the House concur in the following Senate Amendment to **HB 77:**

Amend printed copy of House Bill 77 as follows:

Page 3, lines 6-9, by substituting a period (.) on line 6 for the comma (,) following the word "conveyance" and by deleting the following: "except that this shall not prevent her from voluntarily assuming the obligation created by KRS 186.590, by signing a minor's application as authorized in KRS 186.470."

Page 2, lines 4 and 5, by deleting the words [Any person who has signed the application of a minor for a license] and inserting in lieu thereof: "*A parent or a guardian of a minor applicant*"

Page 1, line 7, by inserting before the word "*guardian*" the word "*legal*"

and on page 1, line 9, following the ".]" by adding the words: "*Regardless of which parent signs the application, both parents shall be responsible as provided in KRS 186.590.*"

Agreed.

Representative Kafoglis moved that **HB 77** as amended be placed upon its passage.

On the roll call the vote was yeas 59-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Brewer, Bruce, Burch, Chandler, Clarke, Crupper, Davis, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Guenthner, Hancock, Hardin, Head, Holbrook, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lewis, Mann, May, McBee, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Priddy, Quickert, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Swinford, Thomas, Vincent, J. White, Wible. Nays 4-Mason, Robinson, Van Horn, Yates.

HB 77 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 77** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Kafoglis moved that **HB 328** be recommitted to the Committee on Agriculture. Agreed.

Representative Bruce moved that the House concur in the following Senate Amendment to **HB 384:**

Amend printed copy of House Bill 384 as follows:

Page 1, line 5, after the word "of" and before the word "at" by deleting the words "the area affected thereby" and by adding in their stead: "the precinct or precincts in which the land in question lies"

and following line 16, add the following: "This Act shall not apply to cities of the first class nor to counties containing cities of the first class. This Act shall also not apply to counties containing urban county governments."

Representative King moved that consideration of the Senate Amendment to **HB 384** be deferred. Rejected.

Representative Bruce moved that the House concur in the Senate Amendment to **HB 384.** Agreed.

On the roll call the vote was yeas 49-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, Bruce, Burch, Chandler, Clapp, Crupper, Donnermeyer, Dunn, Foster, Freeman, Graves, Hardin, Head, Holbrook, Hopkins, Hughes, Kafoglis, Kenton, Kleier, Lewis, Little, Louden, Mason, May, McBride, McGill, Morgan, O'Brien, Pearman, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Sharpe, Smith, Swinford, Van Horn, Vincent, J. White, Yates. Nays 20-Allen, Davis, DeMarcus, Denham, Dietz, Guenthner, Hancock, Hellard, Holloway, Imes, Isler, Karem, King, Lindsay, Mann, McBee, Overstreet, Schmaedecke, Schmidt, Stone.

HB 384 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 384** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Chandler moved that the House concur in the following Senate Amendment to **HB 503:**

Amend printed copy of House Bill 503 as follows:

Page 2, line 7, by adding "*may*" after "clerk" and by placing brackets around "shall".

Agreed.

On the roll call the vote was yeas 43-Bennett, Benson, Beshear, Blandford, Blume, Brewer, Bruce, Burch, Chandler, Denham, Dietz, Donnermeyer, Dunn, Graves, Guenthner, Hardin, Head, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lewis, Louden, Mann, May, McBride, Nett, Pearman, Priddy, Reynolds, Romines, Sale, Sharpe, Swinford, Thomas, Vincent, Yates. Nays 25-Adams, Allen, Arnold, Crupper, DeMarcus, Foster, Freeman, Hancock, Hellard, Holloway, Lindsay, Mason, McBee, McGill, Morgan, Overstreet, Quickert, Robinson, Schmidt, Smith, Stone, Troop, Van Horn, Watkins, J. White.

HB 503 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 503** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that the House concur in the following Senate Amendment to **HB 217:**

Amend printed copy of House Bill 217 as follows:

Page 2, line 16, after the word "[university]" by inserting a period "."

and on lines 16 and 17 by deleting the following: ", upon and with the approval of the state department of education."

Agreed.

On the roll call the vote was yeas 49-Bennett, Benson, Beshear, Blume, Brewer, Bruce, Burch, Chandler, Crupper, Davis, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Hancock, Hardin, Head, Hellard,

Holloway, Hopkins, Hughes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Mann, Mason, May, McBee, McBride, Morgan, Nett, O'Brien, Pearman, Priddy, Quickert, Reynolds, Romines, Smith, Stephens, Swinford, Thomas, Troop, Watkins, Wible. Nays 10-Allen, Imes, Lindsay, McGill, Robinson, Sale, Sharpe, Stone, Van Horn, Vincent.

HB 217 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 217** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Benson moved that the House concur in the following Senate Amendment to **HB 330:**

Amend printed copy of House Bill 330 as follows:

Page 1, lines 3-12, by deleting those lines in their entirety and by inserting in their place the following:

"(1) No consumer reporting agency shall maintain any information in its files relating to any charge in a criminal case, in any court of this commonwealth, unless the charge has resulted in a conviction."

And on line 13 by placing brackets around "(3)" and inserting in lieu thereof (2)

And on line 13 by placing brackets around "subsections (1) or (2)" and inserting in lieu thereof "subsection (1)"

Agreed.

On the roll call the vote was yeas 50-Bennett, Benson, Beshear, Blume, Burch, Chandler, Crupper, Davis, Denham, Donnermeyer, Dunn, Graves, Hancock, Hardin, Head, Isler, Kafoglis, Karem, Kenton, King, Kleier, Louden, Mann, Mason, May, McBee, McBride, Morgan, Nett, O'Brien, Overstreet, Pearman, Quickert, Reynolds, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, J. White, Wible. Nays 8-Adams, Allen, DeMarcus, Holbrook, Holloway, Hughes, Imes, Lindsay.

HB 330 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 330** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Kenton moved that the House concur in the following Senate Amendment to **HB 372:**

Amend printed copy of House Bill 372 as follows:

Page 2, lines 7, 8, 9, 10, 11, 12, 13, 14, by deleting these lines in their entirety and placing in lieu thereof:

"(4) Nothing contained in this Act shall require persons employed by the Commonwealth of Kentucky or applicants for such employment to be licensed."

and on page 2, between lines 14 and 16, by creating a new subsection (5), as follows:

"(5) Nothing contained in this Act shall require persons employed by church-related or church-operated or affiliated agencies, childrens' homes, neighborhood centers, or other philantropic and non-profit field service offices to be licensed. The provisions of this Act shall not be construed to apply to, limit or restrict the regulation of the title, setting of standards, qualifications, training and experience of those engaged as employes of such entities in the practice of social work or applied social counseling."

Agreed.

On the roll call the vote was yeas 48-Bennett, Benson, Beshear, Blume, Burch, Chandler, Crupper, Dietz, Donnermeyer, Dunn, Foster, Graves, Hancock, Hardin, Head, Hughes, Imes, Isler, Kafoglis, Kenton, King, Kleier, Lewis, Louden, Mann, Mason, McBee, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Priddy, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stone, Swinford, Thomas, Van

Horn, Watkins, Wible, Yates. Nays 12-Allen, Davis, DeMarcus, Denham, Holbrook, Holloway, Lindsay, May, Quickert, Robinson, Smith, J. White.

HB 372 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 372** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Kenton moved that the House concur in the following Senate Amendment to **HB 376:**

Amend printed copy of House Bill 376 as follows:

Page 7, after line 18, by adding the words:

"Section 6. KRS 313.253 is repealed."

Agreed.

On the roll call the vote was yeas 47-Adams, Bennett, Benson, Beshear, Blume, Blythe, Burch, Chandler, Crupper, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Graves, Hancock, Hardin, Head, Holbrook, Hughes, Isler, Kafoglis, Kenton, King, Kleier, Lindsay, Mann, May, McBee, McBride, Nett, O'Brien, Priddy, Quickert, Romines, Sale, Schmaedecke, Siemens, Smith, Stone, Swinford, Thomas, Van Horn, Vincent, Watkins, Wible. Nays 6-Allen, Foster, Holloway, Imes, Robinson, J. White.

HB 376 as amended was passed and the title agreed to.

Representative Kenton moved that the vote by which **HB 376** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Kleier moved that **HB 735** be recommitted to the Committee on Labor and Industry. Agreed.

Representative Beshear moved that the House concur in the following Senate Amendment to **HB 571:**

Amend printed copy of House Bill 571 as follows:

Page 2, after line 2, add:

"Section 2. KRS 304.34-020 is amended to read as follows:

(1) The commissioner shall have full power and authority to [administer the provisions of this subtitle, which regulate bail bondsmen and to that end, to] *regulate bail bondsmen and the bail bond business in the Commonwealth of Kentucky and to that end may* adopt and promulgate rules and regulations necessary and proper to effectuate and enforce the purposes and provisions of this subtitle.

(2) The commissioner shall propound any reasonable interrogatories or examination relating to bail bonding to an applicant for a license under this subtitle and may do so on any renewal thereof, relating to his qualifications, prospective place of business, and any other matters which, in the opinion of the commissioner, are deemed necessary or expedient in order to protect the public and ascertain the qualifications of the applicant. The commissioner may also conduct any reasonable inquiry or investigation he sees fit, relative to the determination of the applicant's fitness to be licensed or to continue to be licensed. All licenses issued pursuant to this subtitle shall be for a period of one year, subject to annual renewal.

(3) All applications for a license under this subtitle shall be made to the commissioner on forms [furnished] *provided* by him and shall be accompanied by a license fee of [$10] *$100 for a bail bondsman's license and $10 for a license for an agent of a bail bondsman.*

Section 3. A new section of KRS 304.34 is enacted to read as follows:

Bail bondsmen shall file a schedule of the rates of premiums to be charged. The rates shall not be excessive, inadequate nor unfairly discriminatory, and to the extent applicable, the Commissioner's

determination of approval or disapproval of rates shall be made pursuant to the schedules set forth in Subtitle 13. No bail bond shall be written by a licensed bail bondsman without the rate therefor having been filed with, and approved by, the Commissioner. It shall be unlawful for a licensed bail bondsman to execute a bail bond without charging a premium therefor, and the premium rate shall not exceed, nor be less than, the premium rate as filed with and approved by the Commissioner.

Section 4. KRS 304.34-050 is amended to read as follows:

(1) Every licensed bail bondsman shall, not later than March 1 of each year, file with the Commissioner a report of his assets and liabilities as of the preceding December 31, along with a schedule of premium rates, listing minimum and maximum rates and all expenses included in writing bail bonds used during the previous year and to be used during the coming year and any other pertinent information required by the Commissioner.

(2) Every licensed corporate bail bondsman shall, prior to receiving a license, submit to the Commissioner a sample power of attorney which will be the only form of power of attorney the corporation will issue to agents in this state.

(3) Every bail bondsman who authorizes a licensed bondsman directly employed by him to sign his name to bonds shall file a copy of the power of attorney given to such licensed bondsman with the clerk of the circuit court in the county in which he resides and with the Commissioner. Such power of attorney shall remain in full force and effect until written notice revoking the power of attorney has been received by the above-named officials.

(4) Every bail bondsman, upon the termination of the appointment of any agent shall give written notice thereof to any clerk of the circuit court with which he is registered and to the Commissioner at the same time the notice is given or mailed to said agent.

(5) If a judgment against a bail bondsman under RCr 4.28 is not satisfied within [five] *thirty* days after entry thereof, the clerk of the court rendering the judgment shall immediately notify the Commissioner in writing of this fact.

(6) Every licensed bail bondsman shall, not later than February 1, of each year, file a sworn statement on a form which shall be provided by the Commissioner listing every outstanding or unsatisfied judgment on bond forfeitures for the preceding calendar year, together with the name of the court in which such outstanding or unpaid judgment is recorded, and with such other information as the form may indicate.

Section 5. KRS 304.34-090 is amended to read as follows:

(1) The Commissioner may deny, suspend, revoke or refuse to renew any license issued under this subtitle for any of the following causes or for any violation of the laws of this state relating to bail:

(a) For any cause for which issuance of the license could have been refused had it then existed and been known to the commissioner;

(b) Violation of any law relating to the business of bail bonds in the course of dealings under the license issued him by the commissioner;

(c) Material misstatement, misrepresentation or fraud in obtaining the license, or failure to pass any reasonable examination by the commissioner relating to bail bonding;

(d) Misappropriation, conversion or unlawful withholding of moneys belonging to insurers or others and received in the conduct of business under the license;

(e) Conviction of a felony involving moral turpitude;

(f) Fraudulent or dishonest practices in the conduct of business under the license;

(g) Willful failure to comply with, or willful violation of any proper order, rule or regulation of the commissioner;

(h) Failure or refusal, upon demand, to pay over to any principal he represents or has represented, any money coming into his hands belonging to the principal;

(i) Willful failure to return collateral security to the principal when the principal is entitled thereto;

(j) Any licensed bail bondsman engaged in the bail bond business who knowingly has in his employ a person whose license has been revoked; suspended or denied in this state; [or]

(k) Failure by any bail bondsman to pay or otherwise satisfy within [five (5)] *thirty (30)* days any judgment rendered against him under RCr 4.28: *or*

(l) Failure to pay taxes on bail bond premiums as required by law.

(2) No license under this subtitle shall be issued, renewed or permitted to exist when the same is used directly or indirectly to circumvent the provisions of this subtitle.

Section 6. A new section of Subtitle 34 of KRS Chapter 304 is created to read as follows:

(1) Every person who holds a valid bail bondman's license issued by the Commissioner shall be entitled to equal access to the jails of this Commonwealth for the purpose of making bond, subject to provisions of this code and regulations adopted in the manner provided by law.

(2) The jailer of each of the jails in this Commonwealth shall conspicuously post the name of every person who holds a valid bail bondsman's license registered as such with the clerk of the circuit court of his county.

Section 7. A new section of Subtitle 34 of KRS Chapter 304 is created to read as follows:

(1) Beginning July 1, 1974, each bail bondsman licensed under the provisions of this subtitle shall, under oath, report semi-annually to the Commissioner on forms provided by the Department. The reports shall be made prior to January 31 and July 31 of each year and shall contain the following detailed information for the preceding six months:

(a) The date of each bond executed, names of the principals for whom bond was issued, and amount of the bonds issued by such bondsman;

(b) The premium (fee) charged for each bond;

(c) The amount of security or collateral received from principal or person acting on behalf of such principal on each bond;

(d) The name of the court in which bonds were posted;

(e) The disposition and date of such disposition on each bond posted;

(f) The name or number of power of attorney supporting each bond posted; and

(g) Such further information as the Commissioner may require including but not limited to residence and business addresses, financial statements, other business activities, and the name and address of each agent or representative, if any, employed or used by such bail bondsman.

Section 8. A new section of Subtitle 34 of KRS Chapter 304 is created to read as follows:

(1) The Commissioner shall furnish to the clerks of all courts in this Commonwealth the names of all bail bondsmen licensed pursuant to the provisions of this subtitle, shall forthwith notify such clerks of the suspensions, revocations, or reinstatement of any bondsman's license to engage in such business, and of any bail bondsman becoming insolvent, adjudicate a bankrupt, or placed in receivership.

(2) No person shall engage in the occupation of bail bondsman without being licensed. A person is deemed to be engaged in the occupation of bail bondsman if he receives compensation for his service as bondsman.

(3) The clerk of each court of this Commonwealth shall report to the Commissioner prior to January 31 and July 31 of each year:

(a) The name of each bondsman writing bail bonds in such court;

(b) The number and face amount of bonds posted and outstanding by such bondsman; and

(c) The number and face amount of bonds on which unsatisfied judgments exist for which such bondsman is responsible.

Section 9. KRS 304.34-080 is amended to read as follows:

(1) No bail bondsman shall:

(a) Pay a fee or rebate or give or promise anything of value to a jailer, policeman, police officer, committing magistrate, or any other person who has power to arrest or hold in custody, or to any public official or public employe in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond, or to secure delay or other advantage, except this shall not prohibit public reward paid for the return of a fugitive;

(b) Pay a fee or rebate or give anything of value to an attorney in bail bond matters, except in defense of an action on a bond;

(c) Pay a fee or rebate or give or promise anything of value to the principal or anyone in his behalf;

(d) Participate in the capacity of an attorney at a trial or hearing of one on whose bond he is surety;

(e) Accept anything of value from the principal except the premium, provided that the bondsman shall be permitted to accept collateral security which shall be returned upon payment of the premium on the bond or their indemnity which shall be returned upon either final termination of liability on the bond or the posting of other accepted collateral. Such collateral security or other indemnity required by the bondsman must be reasonable in relation to the amount of the bond.

(f) Contribute any money or other thing of value or obligation therefor, to support or defeat a candidate for election to an office the duties of which are such that the holder thereof can exert power or influence upon the day-to-day conduct of the bail bond business; or

(g) [Suggest or advise] *Accept anything of value for suggesting or advising* the employment of any particular attorney to represent the principal.

(2) Law enforcement, adjudication and prosecution officials, and their employes, attorneys-at-law, officials authorized to admit to bail, state officers, and county and city executive officers, shall not be bail bondsmen and shall not directly or indirectly receive any benefits from the execution of any bail bond.

(3) A bail bondsman shall not sign or countersign in blank any bond. No bondsman shall give a power of attorney to, or otherwise authorize, anyone to countersign his name to bonds, unless the person so authorized is also a licensed bondsman directly employed by the bondsman giving such power of attorney.

Agreed.

On the roll call the vote was yeas 51-Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, Burch, Chandler, Crupper, Davis, Dietz, Donnermeyer, Dunn, Foster, Graves, Hardin, Head, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Kenton, Lewis, Lindsay, Louden, Mann, Mason, McBee, McBride, McGill, O'Brien, Overstreet, Pearman, Priddy, Quickert, Romines, Sale, Schmaedecke, Sharpe, Siemens, Stone, Swinford, Thomas, Vincent, J. White, Wible. Nays 8-Adams, DeMarcus, Hancock, King, Morgan, Robinson, Smith, Van Horn.

HB 571 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 571** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that the rules be suspended for Introduction of Resolutions, Reference of Bills and Resolutions, and Report of Committees. Agreed.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **SB 334.**

State Government: **HR 103, HR 104, HR 106, HCR 107, SB 233.**

Labor and Industry: **SB 282.**

Health and Welfare: **SB 173, SB 329.**

Introduction of Bills and Resolutions

HR 108, by Representative Hellard: A RESOLUTION adjourning in memory of William Lee Day.

HR 109, by Representatives Hellard and Kafoglis: A RESOLUTION creating a special committee of the House to study the Rules of the House.

HR 110, by Representative Kafoglis: A RESOLUTION concerning the education of children suspended or expelled from school.

HR 111, by Representative Clarke: A RESOLUTION directing the Department of Revenue to conduct a comprehensive study of the state and local property tax structure, statutory provisions and administrative procedures pertaining thereto, and to prepare legislation which will provide for more equitable distribution of the tax burden and more efficient assessment and collection of property taxes for introduction in the 1976 General Assembly.

HR 112, by Representative Hughes: A RESOLUTION to direct the General Assembly's Correctional Facilities Review Commission to investigate the reports of drug trafficing in state penal institutions.

Report of Committees

The Committee on Appropriations and Revenue reported **SB 334, SB 302, SB 59, SB 278, SR 30,** and **SR 60** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 334, AN ACT relating to the financing of a unified state court system.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS Chapter 32 is established and a new section thereof is created to read as follows:
Other provisions of the law to the contrary notwithstanding, this Act shall provide for expanded state financial support to the state court system and the offices of the Commonwealth's attorneys. Nothing contained in this Act shall be construed as limiting, restricting, or terminating the authority of local governmental units, including cities, counties, and urban counties, to provide financial support for the court system and the offices of the Commonwealth's attorneys which are serving that local community, and all such units of local government are further authorized to supplement the financial support provided thereto by the state under this Act.

Section 2. A new section of KRS Chapter 32 is created to read as follows:

(1) Each judge of the Court of Appeals and each circuit judge shall have an allowance not to exceed the sum of $1,800 per year for necessary expense incurred in discharging the duties of his office. This allowance shall be in addition to expenses payable pursuant to KRS 64.505. Claims for such expenses shall be submitted and approved in accordance with the appplicable law and rules and regulations governing the payment of claims for expenses by the Commonwealth.

(2) The fiscal court in the county or counties which comprise the circuit court district shall be responsible for providing the circuit judge with adequate office facilities, all utilities, including local telephone service and long distance telephone charges within that county, an adequately equipped courtroom and all maintenance relating thereto.

Section 3. A new section of KRS Chapter 32 is created to read as follows:

(1) Each circuit judge may employ an official court reporter for his judicial district or division. The court reporter shall be skilled in the profession and shall hold office at the pleasure of the judge. The court reporter shall be responsible for taking full stenographic notes of the proceedings in all criminal cases, including arraignments, preliminary motions, pre-trial hearings, rulings of court, examination of jurors, testimony and arguments of counsel. The court reporter shall be responsible for preparing a full and accurate transcript and duplicate copy of his notes of all criminal proceedings upon motion of the Commonwealth or the defendant. No additional fee or compensation other than the annual salary provided in Subsection (3) hereof shall be charged by or allowed to the court reporter for preparation of a transcript for the Commonwealth or a moving defendant in forma pauperis. If the transcript is made upon motion of the defendant in a criminal case other than in forma pauperis, the defendant shall pay the fee provided by law.

(2) The court reporter may take full stenographic notes of any other trial or proceeding if either party requests the services of the reporter, or if, in the opinion of the presiding judge, the testimony should be preserved. The court reporter may charge and receive fees and per diem allowances for civil proceedings as provided by law in adddition to the annual salary provided herein.

(3) The salary for the official court reporter, payable out of the State Treasury, shall be as follows:

(a) In judicial districts containing a population of less than 30,000 the sum of $6,600 per annum;

(b) In judicial districts containing a population of at least 30,000 but less than 40,000 the sum of $7,500 per annum;

(c) In judicial districts containing a population of 40,000 or more, the sum of $8,400 per annum;

(d) In addition to the salary schedule set forth in this section, the official court reporter may serve as secretary to the circuit judge and receive additional compensation as provided in this section.

(4) Each circuit judge may employ a secretary. The secretary shall be appointed by and shall hold office at the pleasure of the judge. The salary for the secretary, payable out of the State Treasury, shall be commensurate with the secretary's education, training, and experience based upon the guidelines established by the classification and compensation plan for comparable positions maintained by the state Department of Personnel pursuant to KRS 64.640.

(5) The circuit judge in a judicial district with two or more judges, and the circuit judge in a one-judge, single county judicial district may elect to employ his official court reporter as his secretary. If the judge so elects, the court reporter/secretary shall be paid an annual salary of the applicable amount payable under the salary schedule for court reporters established by this Act plus an additional sum of not to exceed 50 percent of that salary. If the judge elects the court reporter/secretary plan under this subsection, the court reporter/secretary shall devote full time to her duties as such and shall not be permitted to engage in any other professional activities as a court reporter or court stenographer. The positions of court reporter and secretary shall not be so merged in judicial districts containing two or more counties.

Section 4. A new section of KRS Chapter 32 is created to read as follows:

(1) The Commonwealth's attorney in each judicial district may appoint such assistant Commonwealth's attorneys, secretaries, and district detectives as provided herein. Individuals appointed pursuant to this Act shall serve at the pleasure of the Commonwealth's attorney.

(2) The Commonwealth's attorney in a judicial district containing a population of 500,000 or more may appoint ten full-time assistant Commonwealth's attorneys. The Commonwealth's attorney in a judicial district containing a population of 150,000 or more, but less than 500,000, may appoint three full-time assistant Commonwealth's attorneys. The Commonwealth's attorney in a judicial district containing a population of 100,000 or more, but less than 150,000, may appoint two full-time assistant Commonwealth's attorneys.

(3) The Commonwealth's attorney in each judicial district with two circuit judges may appoint one full-time and one part-time assistant Commonwealth's attorney.

(4) In all other judicial districts, the Commonwealth's attorney may appoint one part-time assistant Commonwealth's attorney upon certification by the Attorney General of demonstrable need.

(5) The compensation for full-time assistant Commonwealth's attorneys, payable out of the State Treasury, shall be not more than $24,000 per annum. The compensation for part-time assistant

Commonwealth's attorneys, payable out of the State Treasury, shall be not more than $10,000 per annum.

(6) All assistant Commonwealth's attorneys shall be licensed practicing attorneys. The full-time assistant Commonwealth's attorneys shall not be permitted to engage in the private practice of law.

(7) The office of Commonwealth's attorney in each judicial district which has at least one full-time assistant Commonwealth's attorney may receive from the State Treasury an additional $1,800 per year for necessary expenses incurred in the discharge of the duties of the office. Claims for such expenses shall be submitted and approved in accordance with the applicable law and rules and regulations governing the payment of claims for expenses by the Commonwealth.

(8) The Commonwealth's attorney in a judicial district containing a population of 500,000 or more may appoint seven full-time secretaries. The Commonwealth's attorney in a judicial district containing a population of 150,000 or more, but less than 500,000, may appoint three full-time secretaries. The Commonwealth's attorney in a judicial district containing a population of 100,000 or more, but less than 150,000, may appoint two full-time secretaries. The Commonwealth's attorney in each judicial district with two circuit judges may appoint one full-time secretary. In all other judicial districts, the office of Commonwealth's attorney shall receive an allowance of $3,000 per annum to be applied to the cost of providing secretarial services for the office of the Commonwealth's attorney.

(9) The salary, payable from the State Treasury, for a secretary appointed under subsection (8) shall be commensurate with the secretary's education, training, and experience based upon the guidelines established by the classification and compensation plan for comparable positions maintained by the state Department of Personnel pursuant to KRS 64.640.

(10) The Commonwealth's attorney in a judicial district containing a population of 500,000 or more may appoint six full-time district detectives. The Commonwealth's attorney in a judicial district containing a population of 125,000 or more, but less than 500,000, may appoint four full-time district detectives. The Commonwealth's attorney in all other judicial districts may appoint one full-time district detective. The Commonwealth's attorney in a judicial district consisting of a single county with two circuit judges may appoint one additional part-time detective if the population in the district district exceeds 50,000.

(11) Each district detective shall be experienced in investigation or law enforcement and shall have the same powers as peace officers. The salary for district detectives, payable from the State Treasury, shall be commensurate with the district detective's education, training, and experience and based upon guidelines established by the classification and compensation plan for comparable positions maintained by the state Department of Personnel pursuant to KRS 64.640.

(12) The office of Commonwealth's attorney in each judicial district that has at least one full-time district detective shall receive from the State Treasury an additional $1,800 per year for necessary expenses incurred by the district detective in the discharge of the duties of the office. Claims for such expenses shall be submitted and approved in accordance with the applicable law and rules and regulations governing the payment of claims for expenses by the Commonwealth.

(13) The fiscal court in the county or counties that comprise the judicial district shall be responsible for providing the office of Commonwealth's attorney with an adequate grand jury room, witness rooms, and telephone service.

Section 5. A new section of KRS Chapter 32 is created to read as follows:

Persons employed or appointed by a circuit judge or a Commonwealth's attorney pursuant to this Act shall be members of the Kentucky Employes Retirement System in accordance with the provisions of KRS 61.510 to 61.700.

Section 6. A new section of KRS Chapter 32 is created to read as follows:

Appointment or employment of persons to or in positions authorized by this Act and the payment of expense allowances authorized by Sections 1 through 5 of this Act shall not be made prior to July 1, 1976, except that such appointments, employment or payment of expense allowances may be made as of such earlier date, not prior to July 1, 1974, as may be fixed by the Governor upon recommendation of the Secretary of Justice, provided that nothing in this Act shall be construed as preventing prior to July 1, 1976, the payment of expenses and the appointment or employment of persons to positions pursuant to and as otherwise provided for by statute. The Governor, upon recommendation of the Secretary of Justice, may fix such earlier date if and to the extent that prior to July 1, 1976, the Commonwealth of Kentucky is awarded grant funds by the Law Enforcement Assistance Administration of the United States Department of Justice on a matching basis of not less than 90 percent federal funds and 10 percent state funds which grant funds are sufficient to pay the full cost of the salaries, compensation and expense allowances, and of the administrative expenses related thereto, or of any category of them authorized by Sections 1 through 5 of this Act from the date so fixed through June 30, 1976. Any funds appropriated to justice functions for the 1974-1976 biennium may be used for matching purposes so long as such uses do not reduce the level of services provided in the Executive Budget for that biennium.

Section 7. A new section of KRS Chapter 32 is created to read as follows:

Beginning July 1, 1976 or at such earlier date as may be fixed as hereinafter provided, grand jurors, petit jurors and persons summoned for jury service in circuit court eligible for payment of the compensation designated in KRS 29.390(1) shall be paid, in addition thereto, the sum of $7.50 per day as reimbursement of expenses incurred, which sum is hereby determined to be the equivalent of the minimum daily expenses reasonably to be incurred by such juror or person. Payment of such reimbursement for expenses may be made beginning as of such date prior to July 1, 1976, but not prior to July 1, 1974, as may be fixed by the Governor upon recommendation of the Secretary of Justice if and to the extent that prior to July 1, 1976 the Commonwealth of Kentucky is awarded grant funds by the Law Enforcement Assistance Administration of the United States Department of Justice on a matching basis of not less than ninety (90%) percent federal funds and ten (10%) percent state funds which grant funds are sufficient to pay the full cost of the reimbursement of expenses, and of the administrative expenses related thereto, authorized by this section from the date so fixed through June 30, 1976. Eligible state funds appropriated for the 1974-1976 biennium may be used for matching purposes so long as such use does not reduce the level of services provided in the Executive Budget for that biennium.

SB 302, AN ACT relating to compensation of General Assembly employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 6.230 is amended to read as follows:

Effective on the first Monday in January, 1974, employes [Employes] of the general assembly shall receive a per diem as follows: chief clerk, *forty-two dollars* [thirty-eight dollars ($38.00)]; assistant clerk, *thirty-five dollars* [thirty-two dollars ($32.00)]; enrolling clerk, *thirty dollars* [twenty-six dollars ($26.00)]; sergeant-at-arms, *thirty-two dollars* [twenty-eight dollars ($28.00)]; doorkeeper, *twenty-six dollars* [twenty-two dollars ($22.00)]; janitors, *twenty-two dollars* [eighteen dollars ($18.00)]; cloakroom keeper, *twenty-two dollars* [eighteen dollars ($18.00)]; pages, *eight dollars* [six dollars ($6.00)] each.

Section 2. For the purpose of implementing this Act, there is appropriated to the Legislative Research Commission from the General Fund the amount of $5,328.

SB 59, AN ACT relating to medicine, prosthetic devices and physical aids exempted from sales tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 139.472 is amended to read as follows:

(1) "Prescription medicine" shall mean and include any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease and which is commonly recognized as a substance or preparation intended for such use which is prescribed for the treatment of a human being by a person authorized to prescribe the medicines and dispensed on prescription by a registered pharmacist in accordance with law.

(2) "Prosthetic devices and physical aids" for the purpose of this section shall mean and include artificial devices individually designed, constructed or altered solely for the use of a particular crippled person so as to become a brace, support, supplement, correction or substitute for the bodily structure including the extremities of the individual; artificial limbs, artificial eyes, hearing aids individually designed, constructed or altered solely for the use of a particular disabled person; crutches and wheelchairs for the use of invalids and crippled persons.

(3) The terms "sale at retail," "retail sale," "use," "storage" and "consumption" as used in this chapter shall not include the sale, use, storage or consumption of prescription medicine, *insulin,* prosthetic devices and physical aids.

SB 278, AN ACT providing for an income tax credit for National Guardsmen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 141.020 is amended to read as follows:

(1) An annual tax shall be paid for each taxable year by every resident individual of this state upon his entire net income as defined in this chapter. The tax shall be determined by applying the rates in subsection (2) to net income and subtracting allowable tax credits provided in subsection (3).

(2) The following rates shall be applied to net income:

(a) Two percent of the amount of net income not exceeding three thousand dollars;

(b) Three percent of the amount of net income in excess of three thousand dollars but not in excess of four thousand dollars;

(c) Four percent of the amount of net income in excess of four thousand dollars but not in excess of five thousand dollars;

(d) Five percent of the amount of net income in excess of five thousand dollars but not in excess of eight thousand dollars;

(e) Six percent of the amount of net income in excess of eight thousand dollars;

(3) The following tax credits, when applicable, shall be deducted from the result obtained under subsection (2) to arrive at the annual tax;

(a) Twenty dollars for an unmarried individual;

(b) Twenty dollars for a married individual filing a separate return and an additional twenty dollars for the spouse of taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, had no Kentucky gross income and is not the dependent of another taxpayer; or forty dollars for married persons filing a joint return, provided neither spouse is the dependent of another taxpayer. The determination of marital status for the purpose of this section shall be made in the manner prescribed in Section 153 of the Internal Revenue Code;

(c) Twenty dollars credit for each dependent. No credit shall be allowed for any dependent who has made a joint return with his spouse;

(d) An additional twenty dollars credit if the taxpayer has attained the age of sixty-five before the close of the taxable year;

(e) An additional twenty dollars credit for taxpayer's spouse if a separate return is made by the taxpayer and if the taxpayer's spouse has attained the age of sixty-five before the close of the taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no Kentucky gross income and is not the dependent of another taxpayer;

(f) An additional twenty dollars credit if the taxpayer is blind at the close of the taxable year;

(g) An additional twenty dollars credit for taxpayer's spouse if a separate return is made by the taxpayer and if the taxpayer's spouse is blind, and, for the calendar year in which the taxable year of the taxpayer begins, has no Kentucky gross income and is not the dependent of another taxpayer;

(h) In the case of nonresidents, the tax credits allowable under this subsection shall be that proportion of those permitted therein that is represented by the ratio of the taxpayer's Kentucky adjusted gross income as determined by KRS 141.010 (10), without the adjustments contained in (a) and (b) of that subsection, to his adjusted gross income as defined in Section 62 of the Internal Revenue Code. However, in the case of a married nonresident taxpayer with income from Kentucky sources, whose spouse has no income from Kentucky sources, the taxpayer shall determine allowable tax credit(s) by either: 1. the method contained above applied to his tax credit(s), excluding credits for a spouse and dependents, or 2. prorating his tax credit(s) plus the tax credits for his spouse and dependents by the ratio of his Kentucky adjusted gross income as determined by KRS 141.010 (10), without the adjustments contained in (a) and (b) of that subsection, to the total joint federal adjusted gross income of the taxpayer and his spouse;

(i) In the case of an individual who becomes a resident of Kentucky during the taxable year, the tax credits allowable under this subsection shall be that portion of those permitted therein that is represented by the ratio of the taxpayer's Kentucky adjusted gross income as determined by subsection (10) of KRS 141.010, without the adjustments contained in paragraphs (a) and (b) of that subsection, to his adjusted gross income as defined in Section 62 of the Internal Revenue Code;

(j) In the case of a fiduciary, other than an estate, the allowable tax credit shall be two dollars;

(k) In the case of an estate, the allowable tax credit shall be twenty dollars[.] ;

(l) An additional twenty dollars credit if the taxpayer is a member of the Kentucky National Guard at the close of the taxable year.

(4) An annual tax shall be paid for each taxable year as specified in this section upon the entire net income except as herein provided, from all tangible property located in this state, from all intangible property that has acquired a business situs in this state, and from business, trade, profession, occupation or other activities carried on in this state, by natural persons not residents of this state. A nonresident individual shall be taxable only upon the amount of income received by him from labor performed, business done or from other activities in this state, from tangible property located in this state, and from intangible property which has acquired a business situs in this state; provided, however, that the situs of intangible personal property shall be at the residence of the real or beneficial owner and not at the residence of a trustee having custody or

possession thereof. The remainder of the income received by such nonresident shall be deemed nontaxable by this state.

(5) Subject to the provisions of KRS 141.081 and KRS 141.082, any individual may elect to pay the annual tax imposed by KRS 141.025 in lieu of the tax levied under this section.

(6) An individual who becomes a resident of Kentucky during the taxable year is subject to taxation as prescribed in subsection (4) of this section prior to establishing such residence and as prescribed in subsection (1) of this section following the establishment of such residence.

(7) An individual who becomes a nonresident of Kentucky during the taxable year is subject to taxation, as prescribed in subsection (1) of this section, during that portion of the taxable year that he is a resident and, as prescribed in subsection (4) of this section, during that portion of the taxable year when he is a nonresident.

SR 30, A JOINT RESOLUTION directing the Alcoholic Beverage Control Board to rescind regulations ABC 18:10, 18:20, 18:30 and 18:40.

WHEREAS, the Alcoholic Beverage Control Board has promulgated four administrative regulations relating to the sale of malt beverages; and

WHEREAS, the Administrative Regulations Review Subcommittee pursuant to its authority has reviewed said regulations and found them to be an unwarranted exercise of administrative powers; and

WHEREAS, the Franklin Circuit Court has enjoined the implementation and administration of said regulations;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Alcoholic Beverage Control Board is hereby directed to rescind administrative regulations ABC 18:10, 18:20, 18:30 and 18:40.

SR 60, A JOINT RESOLUTION directing a study of the economic and social needs of the coal mining areas of Kentucky.

WHEREAS, the entire Commonwealth has benefited these many years from the production of coal in certain areas thereof; and

WHEREAS, this resource, once depleted is lost forever to the areas and regions from whence it is derived; and

WHEREAS, a definite need has emerged for a comprehensive review of the economic and social effects of such depletion on such areas;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission, the Joint Interim Committee on Appropriations and Revenue, the Office for Policy and Management of the Executive Department for Finance and Administration, and the Secretary of the Development Cabinet are hereby authorized and directed to study comprehensively the economic and social needs of the coal mining areas of Kentucky.

Section 2. Each such agency shall appoint three persons to serve on a joint study committee, which shall undertake the subject research and the preparation of the report required by Section 5 of this Resolution.

Section 3. All cabinets, departments, bureaus and agencies of state government are directed hereby to cooperate and assist the joint study committee hereby established, to the extent required by such committee.

Section 4. Such study shall include but shall not be limited to the following:

(1) The economic and social effects of coal productions on the areas in which such occurs;

(2) A review of alternative methods by which a portion of the General Fund receipts resulting from the economic growth generated by coal production may be appropriated in the Executive Budget for the benefit of those counties and areas from which such production is derived, so as not to impair the regular and necessary state appropriations during the 1976-78 biennium and subsequent years;

(3) The various methods of assuring fair and equitable use of all such revenues appropriated for services in such areas; and

(4) The relationship and effect of such general appropriation of state funds on total General Fund revenues and the appropriation of such revenues.

Section 5. That the aforementioned agencies shall submit a report of their findings and recommendations on the above matters and on others pertinent to such research, to the General Assembly and to the Governor not later than October 1, 1975.

Section 6. The cost of the study directed by this resolution is estimated to be $50,000.

The Committee on Cities reported **SB 315** and **SB 287** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 315, AN ACT relating to municipal annexation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 81 is created to read as follows:

Residents or freeholders of territory proposed to be annexed or annexed territory are afforded a statutory procedure to protest or to consent to annexation. The exercise of this statutory procedure to consent to or to protest annexation, and the judicial review incident thereto, shall be considered a determination of the sense of the people in the area annexed or to be annexed, as to all existing statutory and municipal rights and privileges of the annexing municipality. Upon any annexation, the residents, freeholders, and those engaged in business in the annexed area shall assume all existing burdens of the annexing municipality, and shall be entitled to all existing statutory and municipal rights and privileges.

SB 287, AN ACT relating to the distribution of ad valorem tax revenues received by or on behalf of certain governmental agencies in development areas as defined in urban renewal and urban development statutes and in project areas as defined in the Local Development Authority Act; and pertaining to contracts which may be entered into relative to the aforesaid by cities, counties, taxing districts, and boards of education.

WHEREAS, it is apparent that all units of government imposing, or benefiting by the imposition of, ad valorem taxes on property in any given area are benefited by the increase in value of the property in the area, in that such increase of value automatically increases ad valorem tax income; and

WHEREAS, it is equally apparent that all such governmental units operating in an area may be beneficially affected by acts of any one unit which tend to increase the value of property in the area, and all governmental units are thereby necessarily inter-related, and should be encouraged to cooperate with each other in the adoption of policies which will have the effect of benefiting all of such units; and

WHEREAS, each such unit should be encouraged to assist in the promotion of projects which will have the result of benefiting all such units, and each such unit should be authorized to expend reasonable portions of its funds if, by such expenditure, it can benefit itself in a degree reasonably consonant with its contributions; and

WHEREAS, urban renewal and redevelopment, and local development projects, if they can be financed, can and do result in great increases in revenues to all of the aforesaid units in the area, and said units should be permitted and authorized to release portions of such benefits for limited periods in reasonable payment for benefits derived; and

WHEREAS, the aforesaid benefits are peculiarly available in the more urbanized areas, principally in those areas in which there are located cities of the first and second classes and in areas governed by urban county governments;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 99 is created to read as follows:

The following words or terms shall have the following meanings wherever used in this Act unless a different meaning is clearly indicated by the context:

(1) "Act" means this act, which may be called the "Tax Increment Act";

(2) "Agency" means an Urban Renewal and Community Development Agency of a city of the first or second class, or urban county government, as established under the terms of Chapter 99 of the Kentucky Revised Statutes, or a Development Authority established under the terms of the Local Development Authority Act adopted concurrently with this Act by the 1974 session of the General Assembly of the Commonwealth;

(3) "Development area" means an area defined as such in Chapter 99 of the Kentucky Revised Statutes, or a Project Area as defined in the Local Development Authority Act aforesaid;

(4) "Increment" means that amount of money received by any taxing district which is determined by subtracting the amount of old revenues from the amount of new revenues in any year for which a taxing district and an agency have agreed upon a division under the terms of a contract of release;

(5) "New revenues" means the revenues received by any taxing district from a development area in any year after the establishment of the development area;

(6) "Old revenues" means the amount of revenues received by any taxing district from a development area in the last year prior to the establishment of the development area;

(7) "Project" means any urban renewal or redevelopment project undertaken in accordance with the provisions of Chapter 99 of the Kentucky Revised Statutes, or any project undertaken under the terms of the Local Development Authority Act aforesaid, in a development area;

(8) "Release" or "contract of release" means that agreement by which a taxing district permits the payment to an agency of a portion of increments received by it for a period of years in return for the benefits accrued to the taxing district by reason of a project undertaken by an agency in a development area;

(9) "Taxing district" means a city of the first or second class or urban county government which encompasses all or a part of a development area, a special district having the power to levy ad valorem taxes in all or any part of a development area, and any board of education having authority to require a city or county to levy school taxes in all or any part of a development area.

Section 2. A new section of KRS Chapter 99 is created to read as follows:

It is hereby found and declared that public improvements, and publicly promoted private improvements, in any development area which result in the increase in the value of property located in the development area, serve a public purpose for each taxing district possessing the authority, directly or indirectly, to impose ad valorem taxes in said development area. The increment in revenues derived by each taxing district from the development area is found and declared to be one of the benefits derived by each taxing district from any urban renewal or redevelopment project, or Local Development Authority Act Project, undertaken in the development area.

Section 3. A new section of KRS Chapter 99 is created to read as follows:

In connection with the establishment of any development area, an agency may enter into contracts with one or more taxing districts for the release to the agency of increments expected to be derived by such taxing district as a result of the undertaking of a project, provided, however, that no such contract shall require the release of less than 50 percent of such increments, or more than 95 percent of such increments, for a period of more than 25 years beginning with the first day of the calendar year after the execution of any such release or contract of release by a taxing district. Any amount derived by the agency under the terms of such release shall be used solely and only for the purposes of the project and in the development area.

Section 4. A new section of KRS Chapter 99 is created to read as follows:

Each taxing district is specifically hereby authorized to execute a contract of release with any such agency in acknowledgment of benefits to be derived by it from the project, and in order to promote the public purposes of said taxing district.

Section 5. A new section of KRS Chapter 99 is created to read as follows:

Any agency which enters into a contract with any taxing district for the release of any increments which may arise during the period of a contract of release shall forthwith notify the official charged with the collecting of taxes for the property in the development area of the execution of such contract of release, the official charged with the collection of taxes shall in each year during the life of said contract of release, determine the amount of the increment which is the subject of the contract of release for division between the taxing district and the agency; and, upon the basis of the agreement made between the taxing district and the agency, he shall divide and distribute the funds derived from the area between the taxing district and the agency.

The Committee on Labor and Industry reported **SB 282** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 282, AN ACT relating to apprenticeship or training discrimination.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 344.070 is amended to read as follows:

It is an unlawful practice for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against an individual because of his race, color, religion, national origin, sex, or age between forty and sixty-five in admission to or employment in, any program established to provide apprenticeship or other training. *Provided, however, age limitations for entry into bona fide apprenticeship programs approved by the Kentucky Supervisor of Apprenticeship and by the Kentucky Apprenticeship Council which is recognized by the Bureau of Apprenticeship and Training, U. S. Department of Labor, shall not be affected by the provisions of this section.*

The Committee on Judiciary reported **SB 75** and **SB 100,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee on Judiciary reported **SB 151, SB 228** with Committee Substitute attached thereto, and **HR 101** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 151, AN ACT relating to engineers' and land surveyors' liens.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 376 is created to read as follows:

(1) Any licensed engineer and any land surveyor who performs professional services or services as defined in KRS 322.010(4) for engineers and KRS 322.010(6) for land surveyors shall have a lien on the building, structure, land or project on which such services were performed, to secure the amount thereof with interest as provided in KRS 360.040 and costs.

(2) The provisions of KRS 376.010(1) and (2) shall determine when a lien created under this section shall take precedence over a mortgage or other contract lien or bona fide conveyance for value without notice.

(3) No person hereunder who has not contracted directly with the owner or his agent shall acquire a lien under this section.

(4) Any lien provided for under this section shall be dissolved unless the claimant, within six months after he ceases to provide services, files in the office of the Clerk of the County Court of the County in which the property is situated a statement of the amount due the claimant, with all just credits and set-offs known to him, together with a description of the property intended to be covered by the lien sufficiently accurate to identify it, the name of the owner, if known, and whether the services were furnished by contract with the owner or with a contractor or architect. This statement shall be subscribed and sworn to by the person claiming the lien or by someone in his behalf.

(5) Any lien created under this section shall be dissolved unless an action is brought to enforce the lien within twelve months from the day of filing the statement in the clerk's office as required by subsection (4) hereunder. If the lien holder complies with all filing requirements under this section, and does so within the time herein fixed, his lien shall be valid and effective against any creditor of, or bona fide or other purchaser from, the owner of the property.

(6) The provisions of this section shall in no way abridge or conflict with the provisions of KRS 376.210 which provide for liens on public improvements, and any potential lien or valid lien of an engineer or land surveyor on a public improvement shall be governed by KRS 376.210.

SB 228, AN ACT to prohibit discrimination in employment of persons having controllable maladies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 344.010 is amended to read as follows:

In this chapter:

(1) "Person" includes one or more individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, or other legal or commercial entity; the state, any of its political or civil subdivisions or agencies.

(2) "Commission" means the Kentucky Commission on Human Rights.

(3) "Commissioner" means a member of the commission.

(4) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, sex, [or] age between forty and sixty-five, *or controllable malady,* or the aiding, abetting, inciting, coercing or compelling thereof.

(5) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

(6) "Housing accommodations" includes improved and unimproved property and means a building, structure, lot or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as the home or residence of one or more individuals.

(7) "Real estate operator" means any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers or other legal or commercial entity, the county or any of its agencies, that is engaged in the business of selling, purchasing, exchanging, renting or leasing real estate, or the improvements thereon, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental or lease of real estate; or an individual employed by or acting on behalf of any of these.

(8) "Real estate broker" or "real estate salesman" means an individual, whether licensed or not, who, on behalf of others, for a fee, commission, salary, or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds himself out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrance upon a transfer of real estate, or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental, or lease of real estate through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

(9) "Financial institution" means bank, banking organization, mortgage company, insurance company, or other lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, maintenance, or improvement of real property, or an individual employed by or acting on behalf of any of these.

(10) "Licensing agency" means any public or private organization which has as one of its duties the issuing of licenses or the setting of standards which an individual must hold or must meet as a condition to practicing a particular trade or profession or to obtaining certain employment within the state or as a condition to competing effectively with an individual who does hold a license or meet the standards.

(11) "Controllable malady" is any illness or disorder which can be adequately arrested by medical science, either through treatment, medication or both, such that it does not interfere with the performance of job duties. An affadavit attested by any medical doctor licensed under KRS Chapter 311 shall be proof that said malady is controlled.

Section 2. KRS 344.040 is amended to read as follows:

It is an unlawful practice for an employer:

(1) To fail or refuse to hire, or to discharge any individual, or otherwise to discriminate against an individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, national origin, sex, [or] age between forty and sixty-five, *or controllable malady*; or

(2) To limit, segregate, or classify his employes in any way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect his status as an employe, because of such individual's race, color, religion, national origin, sex, [or] age between forty and sixty-five, *or controllable malady*.

Section 3. KRS 344.050 is amended to read as follows:

(1) It is an unlawful practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, an individual because of his race, color, religion, national origin, sex, [or] age between forty and sixty-five, *or controllable malady,* or to classify or refer for employment an individual on the basis of his race, color, religion, national origin, sex, [or] age between forty and sixty-five, *or*

controllable malady.

(2) It is an unlawful practice for a licensing agency to refuse to license, or to bar or terminate from licensing an individual because of race, color, religion, national origin, sex, [or] age between forty and sixty-five, *or controllable malady.*

Section 4. KRS 344.060 is amended to read as follows:

It is an unlawful practice for a labor organization:

(1) To exclude or to expel from its membership, or otherwise to discriminate against, a member or applicant for membership because of his race, color, religion, national origin, sex, [or] age between forty and sixty-five, *or controllable malady.*

(2) To limit, segregate, or classify its membership, or to classify or fail to refuse to refer for employment an individual, in any way which would deprive or tend to deprive an individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employe or as an applicant for employment, because of such individual's race, color, religion, national origin, sex, [or] age between forty and sixty-five, *or controllable malady.*

(3) To cause or attempt to cause an employer to discriminate against an individual in violation of this section.

Section 5. KRS 344.070 is amended to read as follows:

It is an unlawful practice for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against an individual because of his race, color, religion, national origin, sex, [or] age between forty and sixty-five, *or controllable malady* in admission to or employment in, any program established to provide apprenticeship or other training.

The Committee Substitute for **SB 228** is as follows:

SB 228, AN ACT to prohibit discrimination in employment of persons having controllable maladies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 337.010 is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Commissioner" means commissioner of labor; and

(b) "Department" means department of labor.

(2) KRS 337.050 and 337.060 shall not apply to employers and employes subject to the provisions of the federal railway labor act, the federal safety appliance act, the federal railroad mediation act, the interstate commerce commission or the Kentucky public service commission, nor to hospitals or charitable institutions, nor to employes of the state or United States or political subdivisions of either, nor to farming or work performed in homes, residences, restaurants, hotels and apartment houses such as cleaning, waiting on tables, washing dishes, cooking, answering calls of guests and waiting upon them and general house, restaurant or hotel work and outside salesmen.

(3) As used in KRS 337.210 to 337.360 unless the context requires otherwise:

(a) "Fair wage" means a wage fairly and reasonably commensurate with the value of the service or class of service rendered;

(b) "Minor" means a person of either sex under the age of eighteen (18) years;

(c) "Occupation" means an industry, trade, or business or branch thereof or class of work therein in which employes are gainfully employed, but does not include domestic service in the home of the employer or labor on a farm;

(d) "Oppressive and unreasonable wage" means a wage that is both less than the fair and reasonable value of the services rendered and less than sufficient to meet the minimum cost of living necessary for health;

(e) "Woman" means a female of eighteen (18) years or over;

(f) "Employer" is any person who employs an employe and includes any person acting directly or indirectly in the interest of an employer in relation to an employe; and

(g) "Employe" is any person employed by or suffered or permitted to work for an employer.

(4) KRS 337.210 to 337.360 shall not apply to any person subject to regulation by the public service commission.

(5) As used in KRS 337.505 to 337.550 unless the context requires otherwise:

(a) "Construction" includes construction, reconstruction, improvement, enlargement, alteration or repair of any public works by contract fairly estimated to cost more than $500;

(b) "Contractor" and "subcontractor" include any superintendent, foreman, or other authorized agent of any contractor or subcontractor who is in charge of the construction of the public works or who is in charge of the employment or payment of the employes of such contractor or subcontractor who are employed in performing the work to be done or being done by the contractor or subcontractor under the particular contract with any public authority;

(c) 1. "Locality" means the county where the physical work upon public works is performed, except if there is not available in the locality a sufficient number of competent skilled laborers, workmen, mechanics, helpers, and apprentices to efficiently and properly construct the public works, "locality" shall include any other locality nearest the one in which the work of construction is to be performed and from which such available skilled laborers, workmen, mechanics, helpers, and apprentices may be obtained in sufficient number to perform the work.

2. "Locality" with respect to contracts advertised or awarded by the department of highways of this state shall be determined by the commissioner of highways. He may designate any number of counties as constituting a single locality. He may also designate all counties of the commonwealth as a single locality, but, in no event, shall he designate less than an entire county as a locality.

(d) "Public authority" means any officer, board, or commission of this state, or any political subdivision or department thereof in the state, or any institution supported in whole or in part by public funds, including publicly owned or controlled corporations, authorized by law to enter into any contract for the construction of public works; and

(e) "Public works" includes all buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, waterworks and all other structures or work constructed under contract with this state, or any department or agency thereof, or political subdivision in the state.

(6) In any case where the federal government or any of its agencies furnishes by loans or grants any part of the funds used in constructing public works, and if the federal government or its agencies prescribe predetermined prevailing minimum wages to be paid to mechanics and laborers employed in the construction of such public works and where KRS 337.505 to 337.550 is also applicable, those wages in each classification which are higher shall prevail.

(7) As used in Sections 2, 3, 4, and 5 of this Act, "controllable malady" is any illness or disorder which can be adequately arrested by medical science, either through treatment, medication or both, such that it does not interfere with the performance of job duties. An affadavit attested by any medical doctor licensed under KRS Chapter 311 shall be proof that said maladay is controlled.

Section 2. A new section of KRS Chapter 337 is created to read as follows:

No employer shall:

(1) fail or refuse to hire, or discharge any individual, or otherwise discriminate against an individual with respect to his compensation, terms, conditions, or privileges of employment, because such individual has a controllable malady; or

(2) limit, segregate, or classify employes in any way which would deprive or tend to deprive an individual of employment opportunities or which would otherwise adversely affect the status of an individual as an employe, because such individual has a controllable malady.

Section 3. A new section of KRS Chapter 337 is created to read as follows:

No employment agency shall fail or refuse to refer for employment, or otherwise discriminate against, an individual because he has a controllable malady.

Section 4. A new section of KRS Chapter 337 is created to read as follows:

No labor organization shall:

(1)Exclude or expel from its membership a member or applicant for membership because he has a controllable malady.

(2)Limit, segregate, or classify its membership in any way which would deprive or tend to deprive an individual of employment opportunities, or which would limit employment opportunities or otherwise adversely affect the status of an individual as an employe or as an applicant for employment, because he has a controllable malady.

(3) Fail or refuse to refer for employment, or otherwise discriminate against, an individual because he has a controllable malday.

(4) Cause or attempt to cause an employer to discriminate against an individual in violation of this section.

Section 5. A new section of KRS Chapter 337 is created to read as follows:

No employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs shall discriminate against an individual in admission to or employment in, any program established to provide apprenticeship or other training because such individual has a controllable malady.

Section 6. A new section of KRS Chapter 337 is created to read as follows:

(1) An individual claiming to be aggrieved by an unlawful practice prohibited by Sections 2, 3, 4 and 5 of this Act may file with the commissioner a written sworn complaint stating that an unlawful practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the commission to identify the persons charged (hereinafter the respondent). The commissioner or his representative shall promptly investigate the allegations of unlawful practice set forth in the complaint and shall within five (5) days furnish the respondent with a copy of the complaint. The complaint must be filed with 90 days after the alledged unlawful practice.

(2) The commissioner shall determine within thirty (30) days after the complaint has been filed whether there is probable cause to believe the respondent has engaged in an unlawful practice. If it is determined that there is no probable cause to believe that the respondent has engaged in an unlawful practice, the commissioner shall issue an order dismissing the complaint and shall furnish a copy of the order to the complainant, the respondent, and such other public officers and persons as the commissioner deems proper.

(3) The complainant, with ten (10) days after receiving a copy of the order dismissing the complaint, may file with the commissioner an application for reconsideration of the order. Upon such application, the commissioner or his representative shall make a new determination within ten (10) days whether there is probable cause to believe that the respondent has engaged in an unlawful practice. If it is determined that there is no probable cause to believe that the respondent has engaged in an unlawful practice, the commissioner shall issue an order dismissing the complaint and furnish a copy of the order to the complainant, the respondent, and such other public officers and persons as the commissioner deems proper.

(4) If the commissioner determines that there is probable cause to believe that the respondent has engaged in an unlawful practice, the commissioner or his representative shall endeavor to eliminate the alleged unlawful practice by conference, conciliation and persuasion. The terms of a conciliation agreement reached with a respondent may require him to refrain from the commission of unlawful discriminatory practices in the future and make such further provisions as may be agreed upon between the commissioner and the respondent. If a conciliation agreement is entered into, the commissioner shall issue and serve on the complainant an order stating its terms. A copy of the order shall be delivered to the respondent, and such other public officers and persons as the commission deems proper. Except for the terms of the conciliation agreement, neither the commissioner nor any officer or employe thereof shall make public, without the written consent of the complainant and the respondent, information concerning efforts in a particular case to eliminate an unlawful practice by conference, conciliation, or persuasion whether or not there is a determination of probable cause or a conciliation agreement.

(5) At the expiration of one (1) year from the date of a conciliation agreement, and at other times in its reasonable discretion, the commissioner's staff may investigate whether the terms of the agreement have been and are being complied with by the respondent. Upon a finding that the terms of the agreement are not being complied with by the respondent, the commissioner shall take such action as it deems appropriate to assure compliance.

(6) At any time after a complaint is filed, the commissioner may file an action in the circuit court in a county in which the subject of the complaint occurs, or in a county in which a respondent resides or has his principal place of business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under Sections 2, 3, 4 and 5 of this Act, including an order or decree restraining him from doing or procuring any act tending to render ineffectual any order the commissioner may enter with respect to the complaint. The court shall have power to grant such temporary relief or restraining order as it deems just and proper.

Section 7. A new section of KRS Chapter 337 is created to read as follows:

(1) A complainant or respondent aggrieved by an order of the commissioner, including an order dismissing a complaint or stating the terms of a conciliation agreement, may obtain judicial review, and the commissioner may obtain an order of the court for enforcement of its order, in a proceeding brought in the circuit court in a county in which the alleged unlawful practice which is the subject of the order or complaint occurs or in which a respondent resides or has his principal place of business.

(2) The proceeding for review or enforcement is initiated by filing a complaint in the court. Copies of the complaint shall be served upon all parties of record. Within thirty (30) days after the service of the complaint upon the commissioner or its filing by the commissioner, or within such further time as the court may allow, the commissioner shall transmit to the court the original or a certified copy of the entire record upon which the order is based. The court shall have power to grant such temporary relief or restraining order as it deems just, and to enter an order enforcing, modifying and enforcing as modified, or setting aside in whole or in part the order of the commissioner, or remanding the case to the commissioner for further proceedings. All such proceedings shall be heard and determined by the circuit court and Court of Appeals as expeditiously as possible and with lawful precedence over other matters.

(3) If the commissioner has failed to issue an order within ninety (90) days after the complaint is filed, the complainant or respondent may petition the circuit court in a county in which the alleged unlawful practice set forth in the complaint occurs or in which the petitioner resides or has his principal place of business for an

order directing the commissioner to take such action. The court shall follow the procedure set forth in subsection (2) so far as applicable.

HR 101, A RESOLUTION directing the Legislative Research Commission to study the area of shield legislation protecting confidential relationships between newsmen and their sources.

WHEREAS, the Court of Appeals of the Commonwealth of Kentucky has narrowed the legislative intent in the area of newsmen's privilege, and

WHEREAS, the Supreme Court of the United States has called for legislative initiative in respect to newsmen's privilege, and

WHEREAS, the freedom of the press from governmental restraints is essential to the health and freedom of the Commonwealth, and

WHEREAS, the number of subpoenas issued against reporters in various states has vastly increased in the past two years, and

WHEREAS, the 1976 Regular Session of the General Assembly should be well informed on this issue, NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is directed to make or cause to be made a comprehensive study of:

(1) newsmen's shield legislation of other states;

(2) newsmen's shield legislation pending before the Congress of the United States and the status of such legislation; and

(3) federal and state court rulings relevant to newsmen's privilege.

Section 2. That the Legislative Research Commission report its findings periodically to the 1974-75 Interim Judiciary Committee of the General Assembly and that it publish a report of its findings together with recommendations by December, 1975.

Section 3. The approximate cost of this study is estimated to be $15,000.

The Committee Amendment to **HR 101** is as follows:

Amend printed copy of House Resolution 101, page 2, line 14, by deleting Section 3 in its entirety.

The Committee on Highways and Traffic Safety reported **SB 290,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 290, AN ACT relating to covered bridges.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 171 is created to read as follows:

All covered wooden bridges within the state shall be designated as state shrines by the Kentucky Heritage Commission according to the procedures of the agency. Each covered wooden bridge shall be identified as such by an official marker.

Section 2. A new section of KRS Chapter 176 is created to read as follows:

(1) The Department of Transportation shall maintain and preserve all covered wooden bridges designated as state shrines located in the Commonwealth. This section shall apply to all those bridges located on roads and highways maintained by the state highway department, roads maintained by local government and on private property. It shall apply to bridges in use and those not in use. The Department shall maintain the bridges for engineering or safety deficiencies while the bridges are opened to motor vehicular traffic. The Department shall also be required to maintain safety standards, as well as, the aesthetic and historical beauty of the bridge.

(2) Nothing in this Act shall prevent the appropriate unit of government from closing a covered wooden bridge to vehicular traffic. In the event a covered wooden bridge is closed to traffic by a unit of government, the Department shall take the necessary steps to preserve the bridge, by removal if required. If a bridge is located on private property and its owner desires its removal, the Department shall take the necessary steps to preserve these bridges also.

(3) The Department is authorized to solicit and receive any pecuniary or advisory assistance from public or private sources outside state government that it desires. However, the Department shall have administrative control of the maintenance and preservation of covered bridges at all times and shall not delegate its responsibilities under this section.

Section 3. A new section of KRS Chapter 176 is created to read as follows:

Any person who wilfully burns, defaces or destroys a covered bridge designated as a state shrine by the Kentucky Heritage Commission shall be fined not more than $500.00 or confined in the county jail for not less than 30 days or more than six months or both. This shall be in addition to other penalties.

The Committee Amendment to **SB 290** is as follows:

Amend printed copy of Senate Bill 290, page 1, line 10, by striking out the word "shall" and substituting therefor the word "may"

and on page 1, line 17, by striking out the word "shall" and substituting therefor the word "may"

and on page 1, line 20, by striking out the words "safety standards, as well"

and on page 2, line 1, by striking out the word "as,"

The Committee on Banking and Insurance reported **SB 254** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 254, AN ACT relating to health maintenance organization.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subtitle 38 of KRS Chapter 304 is hereby established and a new section thereof is created to read as follows:

This subtitle may be cited as the Health Maintenance Organization Act.

Section 2. A new section of Subtitle 38 of KRS Chapter 304 is created to read as follows:

The purpose of this Act is to encourage and guarantee the development of Health Maintenance Organizations by licensing and regulating their operation to insure that they provide high quality health care services through state licensed organizations meeting reasonable standards as to administration, services, and financial soundness.

It is the intent of this Act to complement the provisions of KRS 216.405 to 216.485, the Kentucky Certificate of Need, Licensure and Regulations Act of 1972.

Section 3. A new section of Subtitle 38 of KRS Chapter 304 is created to read as follows:

As used in this subtitle, unless the context otherwise requires:

(1) "Commissioner" means the Commissioner of Insurance.

(2) "Enrollee" means a person who has been enrolled in a Health Maintenance Organization.

(3) "Evidence of coverage" means any certificate, agreement, or contract issued to an enrollee stating the health care services to which he is entitled.

(4) "Health care services" means any services included in the furnishing to any individual of medical, optometric or dental care, or hospitalization or incident to the furnishing of such care or hospitalization, as well as the furnishing to any person of any and all other services and goods for the purpose of preventing, alleviating, curing, or healing human illness, physical disability or injury.

(5) "Health Maintenance Organization" means any person who undertakes to provide, directly or through arrangements with others, health care services to individuals voluntarily enrolled with such an organization on a per capita or a predetermined, fixed prepayment basis.

(6) "Person" includes, but is not limited to, any individual, partnership, association, trust, or corporation.

(7) "Provider" means a partnership, corporation, association, or other legal entity which has entered into a services arrangement (or arrangements) with persons who are licensed to practice medicine, osteopathy, dentistry, podiatry, optometry, or other health profession in a state and a majority of whom are licensed to practice medicine or osteopathy.

Section 4. A new section of Subtitle 38 of KRS Chapter 304 is created to read as follows:

(1) Any person may apply to the Commissioner for and obtain a certificate of authority to establish and operate a Health Maintenance Organization in compliance with this Act.

(2) Health Maintenance Organizations may be organized by applying the provisions of KRS Chapter 271A, if for profit, and KRS Chapter 273, if for non-stock, nonprofit, to the extent that the same are not inconsistent with the express provisions of this Act.

(3) Each application for a certificate of authority shall be submitted to the Commissioner upon a form prescribed by him and shall set forth or be accompanied by:

(a) Evidence that the applicant has been issued a Certificate of Need in accordance with the provisions of KRS 216.405, 216.425, 216.435, and 216.445;

(b) The basic organizational documents in triplicate originals acknowledged and verified by the applicant, such as the Articles of Incorporation, Articles of Association, Partnership Agreement, or other applicable documents;

(c) The initial Bylaws of the organization in triplicate (or any other similar documents);

(d) A statement which shall include describing the Health Maintenance Organization, (i) the proposed method of marketing; (ii) the initial geographic area to be served; (iii) a financial program setting forth a 3-year projection of such operation; and (iv) the sources of working capital and funding;

(e) The names, addresses, and positions of the initial Board of Directors, Board of Trustees, or other governing body responsible for the conduct of the affairs of the applicant;

(f) Any proposed contracts or agreements to be issued by the applicant to:

(i) enrollees; and

(ii) any employers, unions, or an other groups; and

(g) Evidence of financial responsibility as provided in Section 6 of this Act.

Section 5. A new section of Subtitle 38 of KRS Chapter 304 is created to read as follows:

(1) No Health Maintenance Organization shall deliver or issue for delivery in this state any contract describing health benefits available, or any endorsement, rider, or application which becomes a part thereof, or any amendments thereto or modifications thereof, until a copy of such form or contract or certificate and the schedule of fees or other periodic charges to be paid by enrollees, has been filed with and approved by the Commissioner. Each form or contract or certificate shall contain a complete and clear statement of (a) the health care services to which the enrollee is entitled; (b) any limitations on the services, kind of services, benefits to be provided, including any deductible or co-payment feature; (c) where and in what manner information is available as to how services may be obtained; and (d) any other provisions pertaining to the delivery of health care services. Any schedule of fees or other periodic charges to be paid by enrollees submitted to and filed with the Commissioner along with adequate supporting information to show that such charges or fees are not excessive, inadequate, or unfairly discriminatory.

(2) At the expiration of fifteen (15) days, the form or contract so filed shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the Commissioner. The Commissioner may withdraw approval at any time with cause.

Section 6. A new section of Subtitle 38 of KRS Chapter 304 is created to read as follows:

Upon receipt of an application for issuance of a certificate of authority, the Commissioner shall issue or deny the same. Issuance of a certificate of authority shall be granted only if the Commissioner finds that the applicant has complied with Section 4 of this Act, has paid the application fee and the Commissioner is satisfied that the following conditions are met:

(1) The persons responsible for the conduct of the affairs of the application are competent, trustworthy, and possess good reputations:

(2) The health maintenance organization is financially responsible any may reasonably be expected to meet its obligations to enrollees and prospective enrollees. In making this determination, the Commissioner may consider:

(a) The financial soundness of the health maintenance organization's arrangements for health care services and the schedule of charges used in connection therewith;

(b) The adequacy of working capital;

(c) Any agreement with an insurer, a government, or any other organization for insuring the payment of the cost of health care services or the provision for automatic applicability of an alternative coverage in the event of discontinuance of the Health Maintenance Organization;

(d) Any agreement with providers for the provision of health care services; and

(e) Any surety bond or deposit of cash or securities submitted in accordance with Section 7 of this Act, as a guarantee that the obligations will be duly performed;

Section 7. A new section of Subtitle 38 of KRS Chapter 304 is created to read as follows:

Each health maintenance organization shall furnish a surety bond in an amount satisfactory to the Commissioner, or deposit with the Commissioner cash or securities acceptable to him in an amount not less than $40,000 nor more than $140,000, so that the obligations to the enrollees will be performed. The Commissioner may waive this requirement whenever satisfied that the assets of the organization are sufficient to reasonably assure the performance of its obligations.

Section 8. A new section of Subtitle 38 of KRS Chapter 304 is created to read as follows:

(1) Each enrollee residing in this state shall be entitled to evidence of health care services provided and the same shall be issued and delivered to him by the Health Maintenance Organization, be it in the form of a contract, certificate, or other comparable document. Such evidence shall state clearly the total amount of payment for health care services and any indemnity or service benefits which the enrollee is obligated to pay with respect to such health care services.

(2) Each Health Maintenance Organization shall annually make available to its enrollees at its principal office and place of business (a) its most recent annual statement of financial condition including a balance sheet and summary of receipts and disbursement, and (b) a current description of its organizational structure and operation.

(3) After a Health Maintenance Organization has been in operation for twenty-four (24) months, it shall have an open enrollment period at least every year under which it accepts enrollees up to the limits of its capacity, as determined by the Health Maintenance Organization, in the order in which they apply for enrollment, except as may be otherwise determined and authorized by the Commissioner. Such organization may apply to the Commissioner for authorization to impose such underwriting restrictions upon enrollment as are necessary to preserve its financial stability, to prevent excessive adverse selection by prospective enrollees, or to avoid unreasonably high or unreasonable charges for enrollee coverage for health care service; which application the Commissioner shall approve or deny within fifteen (15) days of the receipt thereof from such organization.

Section 9. A new section of Subtitle 38 of KRS Chapter 304 is created to read as follows:

Organizations subject to the provisions of this Act shall make and file with the Commissioner and the Kentucky Certificate of Need and Licensure Board within ninety (90) days from the end of the organization's fiscal year, a statement under oath upon a form to be prescribed by the Commissioner covering the preceding year, and shall include (a) a financial statement of the organization, including a balance sheet, receipts and disbursements for the preceding year; (b) the number of persons enrolled during the year, the number of enrollees as of the end of the year, the number of enrollments terminated during the year, and such other information relating to the operation of the Health Maintenance Organization as may be prescribed by the Commissioner in order to enable the Commissioner to evaluate the performance of the Health Maintenance Organization.

Section 10. A new section of Subtitle 38 of KRS Chapter 304 is created to read as follows:

The funds of a Health Maintenance Organization shall be invested only in securities or other investments permitted by Subtitle 7 of Chapter 304 of the Kentucky Revised Statutes, or such other securities or investments as The Commissioner may permit.

Section 11. A new section of Subtitle 38 of KRS Chapter 304 is created to read as follows:

The Commissioner shall, after notice and hearing, promulgate such reasonable rules and regulations as are necessary to provide for the licensing of agents, and the termination or revocation of such license. An "agent" means any person directly or indirectly associated with such organization who engages in solicitation or enrollment of persons for profit or pecuniary gain in a Health Maintenance Organization.

Section 12. A new section of Subtitle 38 of KRS Chapter 304 is created to read as follows:

(1) The Commissioner, or any person authorized by him, shall have power to examine the financial condition, affairs, and management of any organization subject to the provisions of this Act. He shall have free access to all the books, papers, and documents relating to the business of the organization, and may summon witnesses and administer oaths and affirmations in the examination of the directors, trustees, officers, agents, representatives, or employees or any organization, or any other person in relation to its affairs, transactions, and conditions. The Commissioner shall make an examination of each organization subject to the provisions of this Act at least once every three years.

(2) Any examination, or any part of the examination of any organization subject to the provisions of this Act, shall be made by the Commissioner or by examiners designated by him and shall be at the expense of the organization examined.

Section 13. A new section of Subtitle 38 of KRS Chapter 304 is created to read as follows:

(1) The Commissioner may suspend or revoke any certificate of authority issued to a Health Maintenance Organization under this Act if he finds that any of the following conditions exist:

(a) The Health Maintenance Organization is operating significantly in contravention of its basic organizational document or in a manner contrary to that described in and reasonably inferred from any other information submitted under Section 4, unless amendments to such submissions have been filed with and

approved by the Commissioner;

(b) The Health Maintenance Organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of Section 5;

(c) The Health Maintenance Organization does not provide or arrange for health care services as approved by the Commissioner in Section 5 (1)(a);

(d) The Certificate of Need and Licensure Board certifies to the Commissioner that the Health Maintenance Organization fails to meet the requirements of the Board or that the Health Maintenance Organization is unable to fulfill its obligations to furnish health care services;

(e) The Health Maintenance Organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The Health Maintenance Organization, or any person on its behalf, has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive, or unfair manner;

(g) The continued operation of the Health Maintenance Organization would be hazardous to its enrollees;

(h) The Health Maintenance Organization has otherwise failed to substantially comply with this Act.

(2) A certificate of authority shall be suspended or revoked only after compliance with the hearing procedures set out in Subtitle 2.

(3) When the certificate of authority of a Health Maintenance Organization is suspended, the Health Maintenance Organization shall not, during the period of such suspension, enroll any additional enrollees except newborn children or other newly acquired dependents of existing enrollees, and shall not engage in any advertising or solicitation whatsoever.

(4) When the certificate of authority of a Health Maintenance Organization is revoked, such organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs, and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of such organization. It shall engage in no further advertising or solicitation whatsoever. The Commissioner may, by written order, permit such further operation of the organization as he may find to be in the best interest of enrollees, to the end that enrollees will be afforded the greatest practical opportunity to obtain continuing health care coverage.

Section 14. A new section of Subtitle 38 of KRS Chapter 304 is created to read as follows:

Any rehabilitation or liquidation of a Health Maintenance Organization shall be conducted under the supervision of the Commissioner pursuant to and in accordance with Subtitle 33 of Chapter 304 of the Kentucky Revised Statutes. If the Commissioner permits such further operation the Health Maintenance Organization will continue to collect the periodic pre-payments required of enrollees.

Section 15. A new section of Subtitle 38 of KRS Chapter 304 is created to read as follows:

The Commissioner may, after notice and hearing, promulgate reasonable rules and regulations not inconsistent with the provisions of this Act that he deems necessary for the proper administration of this Act.

Section 16. A new section of Subtitle 38 of KRS Chapter 304 is created to read as follows:

There shall be paid to the Commissioner by every Health Maintenance Organization subject to the provisions of this Act the following fees:

1. For filing an application for Certificate of Authority or amendment thereto $100;
2. For filing an Annual Statement $50;
3. For each agent's examination $10;
4. For each agent's qualification, license, or renewal $5;
5. For each agent's appointment, certification, or renewal $2;
6. For other services the fees shall be as set out in Subtitle 4 of KRS Chapter 304.

Section 17. A new section of Subtitle 38 of KRS Chapter 304 is created to read as follows:

(1) All applications, filings, and reports required under this Act shall be treated as public documents, except as otherwise provided for herein.

(2) The insurance law and the nonprofit hospital, medical-surgical, dental, and health service corporation law of this State shall not be applicable to any Health Maintenance Organization granted a certificate of authority under this Act. This provision does not apply to an insurer or hospital or medical service corporation licensed and regulated pursuant to the insurance laws or the hospital or medical service corporation laws of this state except with respect to its Health Maintenance Organization activities authorized and regulated pursuant to this Act.

Section 18. A new section of Subtitle 38 of KRS Chapter 304 is created to read as follows:

(1) No Health Maintenance Organization, or representative thereof, may cause or knowingly permit the use of advertising or solicitation which is untrue or misleading, or any form of evidence of coverage which is deceptive.

(2) No Health Maintenance Organization shall cancel an enrollee's coverage, except for the failure to pay the charge for such coverage, or for such other reasons as may be promulgated in regulations issued by the Commissioner.

(3) Subtitle 12 of this chapter shall be construed to apply to Health Maintenance Organizations and evidences of coverage, except to the extent that the Commissioner determines that the nature of Health Maintenance Organizations and evidence of coverage under such sections is clearly inappropriate.

Section 19. A new section of Subtitle 38 of KRS Chapter 304 is created to read as follows:

(1) Any domestic stock and mutual insurance company licensed in this state, or any nonprofit hospital, medical-surgical, dental, and health service corporation authorized to do business in this state, may either directly or indirectly through a subsidiary, organize and operate a Health Maintenance Organization under the provisions of this Act.

(2) Notwithstanding any provision of KRS Chapter 304, Subtitles 24 and 32 to the contrary, any domestic or stock insurance company licensed in this state or any nonprofit hospital, medical-surgical, dental, and health service corporation authorized to do business in this state, may contract with a Health Maintenance Organization organized under this Act to provide protection against the cost of care provided through Health Maintenance Organizations and to provide coverage in the event of the failure of the Health Maintenance Organization to meet its obligations.

Section 20. A new section of Subtitle 38 of KRS Chapter 304 is created to read as follows:

Health Maintenance Organizations are subject to the provisions of this Act, and to the following provisions of Chapter 304, to the extent applicable and not in conflict with the expressed provisions of this Act;

1. Subtitle 1 -- Scope of Code;
2. Subtitle 2 -- The Insurance Commissioner;
3. Subtitle 12 -- Trade Practices and Frauds;
4. Subtitle 25 -- Continuity of Management; and
5. Subtitle 33 -- Rehabilitation and Liquidation.

Section 21. KRS 304.33-020 is amended to read as follows:

The proceedings authorized by this subtitle may be applied to:

(1) All insurers who are doing, or have done, an insurance business in this state, and against whom claims arising from that business may exist now or in the future;

(2) All insurers who purport to do an insurance business in this state;

(3) All insurers who have insureds resident in this state;

(4) All other persons organized or in the process of organizing with the intent to do an insurance business in this state;

(5) All fraternal benefit societies as defined in subtitle 29; and

(6) All nonprofit hospital, medical-surgical, dental, and health service corporations, as defined in subtitle 32.

(7) All Health Maintenance Organizations as defined in Subtitle 38.

Section 22. A new section of Subtitle 99 of KRS Chapter 304 is created to read as follows:

(1) For any violation of Subtitle 38 of this code where the Commissioner has the power to revoke or suspend a license or certificate of authority, he may in lieu thereof impose a civil penalty against the violator in the case of a Health Maintenance Organization of not more than $5,000; in the case of an agent of not more than $500.

(2) Such civil penalty may be recovered in an action brought thereon in the name of the Commonwealth of Kentucky in any court of appropriate jurisdiction.

(3) In any court action with respect to a civil penalty, the court may review the penalty as to both liability and reasonableness of amount.

Section 23. A new section of Subtitle 38 of KRS Chapter 304 is created to read as follows:

It is the intent of this Act to complement the federal Health Maintenance Organization Act of 1973, as amended, (PL93-222) and nothing this Act is intended to be in conflict with the federal statutes and regulations promulgated thereunder.

The Committee on Education reported **SB 239, SB 276,** and **SJR 39** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 239, AN ACT relating to public education.

WHEREAS, public school students, as citizens of the Commonwealth of Kentucky and of the United States of America, are entitled to the same rights and privileges under law as are all other citizens; and

WHEREAS, it is the duty of public education to prepare youth for life's challenges and life's fulfillment, and its responsibility and obligation to involve students in active participation in decision-making; and

WHEREAS, rules governing in-school discipline and policy should be established with the participation and advice of students;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 160 is created to read as follows:

(1) The board of education of each public school district in the Commonwealth may adopt and promulgate a code of student rights and responsibilities for secondary schools from recommendations of a committee composed of students, faculty, parents, and school district administrative personnel.

(2) Such committee shall consist of two students, two parents of students, two faculty members, two representatives from administrative personnel of the district, and one member of the local school board.

(3) The student, and faculty members of such committee shall be elected by their peers in the local school district, the administrative personnel shall be appointed by the school district superintendent, and the parents selected by the faculty and student body. Members of such committee shall serve for a term of one year and may be re-elected or re-appointed in following years. Initial composition of the elected members of such committee shall be by the following:

(a) The district superintendent shall notify each school within the district, each school principal or head teacher, the students of the district, and the parents of students within the district as to the method for receiving nominations for membership on the committee and of the methods by which the election of members shall take place. Such notification shall take place on or before the first day of school for each school term.

(b) Nominations for the student, faculty, and parent members of the committee shall be received in writing by the district superintendent within thirty days following the commencement of each school term.

(c) The election of student, faculty, and parent members of the committee shall be held within 14 days following the closing of nominations under the supervision of the district superintendent.

(d) The initial meeting of the elected and appointed members shall be no later than 14 days following the election.

(4) Each committee member shall be entitled to a single vote and any code of student rights and responsibilities adopted by a majority of the committee membership shall be submitted to the district board of education which may cause such code, in whole or in part, to be implemented in the public schools of the district.

(5) All meetings of the committee shall be open to the public and the committee shall hold at least one public hearing on the proposed code before it is adopted and submitted to the district board of education for implementation.

(6) The code of student rights and responsibilities adopted by the committee may define rights and responsibilities regarding, but not limited to, the following:

(a) Right of expression, including, but not limited to, appearance, assembly, association, and circulation of petitions and literature;

(b) Right to participate in decision-making procedures directly affecting students;

(c) Right to procedural due process concerning major disciplinary action, as defined by the code;

(d) Right to receive academic grades based only upon academic performance;

(e) Right to freedom from abuse and threat of abuse by members of school faculties and administration personnel; and

(f) Right of access by a student to his or her own records and guarantee of the confidentiality of a student's academic records outside of the school system, except upon written authorization of the student or his or her parents or guardians.

(7) Students shall refrain from activity which materially or substantially disrupts the educational process or presents a clear and present danger to the health and safety of persons or property, or infringes on the rights of others.

SB 276, AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 157.350 is amended to read as follows:

Each district which meets the following requirements shall be eligible to share in the distribution of funds from the public school foundation program funds:

(1) Employs and compensates all teachers for not less than 185 days, Provided, That the state board of education, upon recommendation of the superintendent of public instruction, shall prescribe procedures whereby this requirement may be reduced during any year for any district which employs teachers for less than 185 days, in which case the eligibility of a district for participation in the public school foundation program shall be in proportion to the length of time teachers actually are employed;

(2) Operates all schools for a term as provided in KRS 158.070 and regulations of the state board of education, Provided, however, That if the school term is less than 185 days for any reason approved by the state board of education on recommendation of the superintendent of public instruction the eligibility of a district for participation in the public school foundation program fund shall be in proportion to the length of term the schools actually operate;

(3) Compensates all teachers on the basis of a single salary schedule and in conformity with the provisions of KRS 157.310 to 157.440;

(4) Makes the required local tax effort except as otherwise provided by subsection (3) of KRS 157.400;

(5) Includes no nonresident pupils in its average daily attendance, except by written agreement with the district of the pupils' legal residence.

(6) Any secondary school which maintains a golf, tennis, track or swimming team for boys other than for intramural purposes, shall maintain the same for girls when enough girls request the same in writing to the principal of the school or the superintendent of the district board of education.

(a) The determination of what constitutes a sufficient number of girls for a particular team shall be made by the State Board of Education upon recommendation of the Superintendent of Public Instruction, which shall also adopt and promulgate rules and regulations applicable to such determination.

(b) The written request for a particular team shall be made no later than the first of October of the school year in which the sport is to be played.

(7) Any school district which fails to comply with subsection (6) shall be prohibited from participating in varsity competition in any sport for one year. Determination of failure to comply shall be made by the Department of Education after a hearing requested by any person within the school district. A district under this Subsection shall have until the beginning of the 1975-76 school year to comply.

SR 39, A JOINT RESOLUTION directing the Council on Public Higher Education to study the feasibility of converting Ashland Community College to a four year institution.

WHEREAS, the Ashland, Kentucky, area is the largest metropolitan area in Kentucky without a four year college; and

WHEREAS, the expense of a college education has greatly increased over the past several years; and

WHEREAS, the majority of students in the Ashland area are children of working men and women who can scarcely afford the cost of educating their children away from home; and

WHEREAS, there exists in the Ashland area a potentially good job market for properly trained employes; and

WHEREAS, there currently exists a community college in the Ashland area; and

WHEREAS, great success has been recorded in a similar situation and area in Northern Kentucky; NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Council on Public Higher Education is hereby directed to conduct a study as to the feasibility of converting the Ashland Community College to a four year institution with appropriate curricula, programs, and degrees that would best serve the needs of the Ashland area and the Commonwealth as a whole.

Section 2. That a report of the findings obtained from such study be made to the General Assembly prior to the 1976 Regular Session.

The Committee on Health and Welfare reported **SB 241, SB 297, SR 29,** and **SB 329** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 241, AN ACT relating to sickle cell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 402.320 is amended to read as follows:

Every physician examining [In the event the] applicants for a marriage license *may* [are of the Negro race, the examining physician shall] obtain an appropriate blood specimen from each applicant and forward same to the Division of Laboratory Services, State Department of Health, or to a laboratory approved by the Department, to ascertain the existence or nonexistence of sickle cell trait or *sickle cell* disease, *or any other genetically transmitted disease which affects hemoglobin.* In the event the laboratory tests indicate that both applicants are carriers of *a* [the] trait or disease, the physician *may* [shall] provide genetic counseling or refer the applicants to the department or to an agency approved by the department for such counseling.

Section 2. KRS 402.990 is amended to read as follows:

(1) Any party to a marriage prohibited by KRS 402.010 shall be fined not less than $500 nor more than $5,000. If the parties continue after conviction to cohabit as man and wife, either or both of them shall be imprisoned in the penitentiary for not less than three nor more than twelve months.

(2) Any person who aids or abets the marriage of any feeble-minded person, or attempts to marry, or aids or abets any attempted marriage with, an idiot or lunatic shall be fined not less than $50 nor more than $500.

(3) Any authorized person, with or without a license, who knowingly solemnizes a marriage prohibited by this chapter shall be fined not more than $1,000 or imprisoned not less than one month nor more than twelve months, or both.

(4) Any minister or priest who breaches the covenant required by KRS 402.060 shall be fined not more than $2,000.

(5) Any person who attempts to solemnize a marriage without a marriage license or without being authorized by the county court to solemnize marriages shall be fined not more than $1,000 or imprisoned for not less than one month nor more than twelve months, or both.

(6) Any unauthorized person who solemnizes a marriage under pretense of having authority, and any person who falsely personates the father, mother or guardian of an applicant in obtaining a license shall be imprisoned in the penitentiary for not more than three years.

(7) Any person who falsely and fraudulently represents or personates another, and in such assumed character marries that person, shall be imprisoned in the penitentiary for not less than one nor more than five years. Indictment under this subsection shall be found only upon complaint of the injured party and within two years after the commission of the offense.

(8) Any clerk who knowingly issues a marriage license to any persons prohibited by this chapter from marrying shall be fined not less than $500 nor more than $1,000, and removed from office by the judgment of the court in which he is convicted.

(9) Any clerk who knowingly issues a marriage license in violation of his duty under this chapter shall be fined not more than $1,000.

(10) If any deputy clerk or any person other than a county clerk knowingly issues a marriage license in violation of this chapter, but not for a prohibited marriage, he shall be fined not more than $1,000, and if he knowingly issues a license for a marriage prohibited by this chapter he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(11) Any person who violates any of the provisions of KRS 402.090 shall be fined not less than $10 nor more than $100 for each offense.

(12) Any county clerk who violates any of the provisions of KRS 402.110 or 402.230 shall be fined not less than $20 nor more than $50.

(13) Any person who violates any of the provisions of KRS 402.120 to 402.200 by disclosing any matter of confidential nature shall be fined $1,000, which shall be paid to the applicant for a marriage license in lieu of damages. Upon failure to pay the fine, the defendant shall be imprisoned as for failure to pay any other fine.

(14) Any physician, laboratory representative, county clerk or applicant for a marriage license who violates any of the provisions of KRS 402.120 to 402.200, or makes any false representation of fact or identity, shall be fined not less than $10 nor more than $100, and imprisoned in the county jail for a term fixed by the jury.

(15) Any person failing to make the return required of him by KRS 402.220 shall be fined $50.

[(16) Any person who violates any provision of KRS 402.310 to 402.340 shall be fined not less than $100 nor more than $300.]

Section 3. KRS 402.330 is repealed.

SB 297, AN ACT relating to rural dental scholarships.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 211.420 is amended to read as follows:

(1) There is hereby established within the *Department for Human Resources* [department of health,], a rural Kentucky dental scholarship fund.

(2) *There* [Commencing July 1, 1958, there] shall be available each fiscal year to applicants selected by the board with the approval of the dental *health program* [division] of the *Department for Human Resources* [state department of health], *no less than* ten (10) scholarships for the study of dentistry leading to the attainment of the degree of doctor of dental surgery, or some equivalent degree. [If in any years less than ten (10) scholarships are awarded, the number available but not granted shall be carried over and added to those available in succeeding years.]

(3) *The amount of each scholarship shall be a reasonable sum determined by the Board, but* [A scholarship] shall not *be less than* [exceed] one thousand five hundred dollars ($1,500) per annum. [No recipient of a scholarship shall receive more than six thousand dollars ($6,000) for his entire course of dental study.]

(4) In granting scholarships the board shall make a careful and full investigation of the ability, character and qualifications of each applicant, and may personally examine each applicant. The board shall, whenever possible, grant financial assistance to the applicants with the greatest financial need, provided such persons are found to possess such qualities as give reasonable assurance of their successfully completing the course of study made possible by the scholarship.

Section 2. KRS 211.430 is amended to read as follows:

(1) To be eligible for a scholarship made available under KRS 211.405 to 211.460, an applicant must:

(a) Have been a resident of this commonwealth for not less than five (5) years immediately preceding the date of application;

(b) Be acceptable for enrollment in a dental school accredited by the council on dental education of the American dental association, and approved by the board; and

(c) Furnish satisfactory evidence to the board that he does not have sufficient financial resources to enable him to study dentistry without assistance.

(2) Before a scholarship is granted, the applicant shall contract in writing with the board, that he will, within six (6) months from the date he completes his term of study, engage in the practice of dentistry in a locality or localities within this commonwealth to be designated by the dental *health program* [division] of the *Department for Human Resources* [state department of health], at the rate of one (1) year for each *annual scholarship* [one thousand five hundred dollars ($1,500)] received, or proportional time for *partial scholarships* [lesser amounts].

SR 29, A CONCURRENT RESOLUTION creating the Special Medical Care Availability Study Committee in order to study the availability of primary care physicians to all Kentuckians.

WHEREAS, a serious problem exists due to the lack of availability to all Kentuckians of adequate medical care from primary care physicians, i.e., from Family Practitioners, General Internists, and Pediatricians; and

WHEREAS, Kentucky has taken progressive steps toward providing improved health care for its citizens with the creation of a second medical school in 1956, with the inclusion of the University of Louisville in the state system of Higher Education, with the increasing enrollment at both medical schools, with recruitment of rural and minority students, with the Rural Kentucky Medical Scholarship Fund, with the establishment of Departments of Family Practice, and with the currently proposed Area Health Education Systems; and

WHEREAS, the delivery of primary care adequate to the needs of the people in the various sections of the Commonwealth poses requirements not only for increased numbers and improved distribution of physicians, but also as to the kinds of physicians and related essential other health professionals that are produced in medical and related educational programs of institutions under the cognizance of the Council on Public Higher Education; and

WHEREAS, the Council is engaged in planning to identify and establish objectives, policies and priorities and measures for institutions to meet the manpower requirements for delivery of health care that is adequate and accessible for people in all sections of the Commonwealth; and

WHEREAS, achievement of improved delivery of primary care throughout the State will both bear upon and depend upon improved configuration of facilities, program resources, and of the other levels of care

with which primary care must be tied-in to be effective; and

WHEREAS, Comprehensive Health Planning at the State and Regional levels has responsibility for and is engaged in developing and applying policies to achieve and effective and balanced health care system in which the parts fit together and work together in an efficient manner; and

WHEREAS, these progressive steps have had positive but insufficient results, for Kentuckians in some areas continue to need improved access to adequate medical care from primary care physicians; and

WHEREAS, the General Assembly recognizes that further legislative action may be necessary and is willing to consider additional proposals to improve the availability of needed primary care;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. The Special Medical Care Availability Study Committee is hereby created to formulate legislative proposals, utilizing studies, proposals, plans and other assistance from the Council on Public Higher Education and the State Comprehensive Health Planning Council or any other agency or organization, for consideration of the General Assembly during its next regular session.

Section 2. The Committee shall review and consider various approaches for improving the availability to all Kentuckians of adequate primary care, including the proposal that the graduates of Kentucky's two medical schools be assigned to designated locations in Kentucky for a period of time after graduation, and shall formulate proposed legislative measures which it feels merit consideration by the General Assembly.

Section 3. The committee shall be composed of twelve members including two state senators appointed by the President of the Senate, two state representatives appointed by the Speaker of the House of Representatives, two members of the Council on Public Higher Education, two members designated by the State Comprehensive Health Planning Council from its consumer segment, two members designated by the Kentucky Medical Association, and shall include the Vice President for the Medical Center, University of Kentucky, and the Vice President for Health Affairs, University of Louisville.

Section 4. Committee members shall be appointed within sixty days of the effective date of this resolution and the work of the committee shall not be delayed or obstructed by the failure of any of the aforementioned officials to appoint or designate committee members. Within ninety days of the effective date of this resolution those members who have been appointed and/or designated shall meet to organize and to commence work. The committee members shall elect a chairman and vice chairman. The committee shall meet regularly and shall make its recommendations in the form of legislative proposals for the 1976 General Assembly.

Section 5. The Legislative Research Commission shall assign a staff member to serve the committee and shall provide meeting room facilities, etc. If requested to do so, the Legislative Research Commission may agree to authorize a study or studies to determine the feasibility of legislative proposals developed by the study committee.

SB 329, AN ACT relating to transportation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 96.A.010 is amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following words or terms shall mean as follows:

(1) "City" means any incorporated city in the commonwealth;

(2) "County" means any county in the commonwealth wherein there is located an incorporated city;

(3) "State" means the commonwealth;

(4) "Transit authority" or "authority" means a transit authority created pursuant to this chapter;

(5) "Board" means the board of a transit authority;

(6) "Public body" means any city or county of the commonwealth;

(7) "Governing body" means, as to a county, the fiscal court thereof; and as to a city, the legislative body thereof, howsoever the same may be denominated according to law;

(8) "Proceedings" means, in the case of a county, a resolution of its fiscal court; and in the case of a city, an ordinance adopted and made effective according to law by its governing body;

(9) "Joint proceedings" relates only to the establishment of a transit authority by two (2) or more public bodies acting in concert or by agreement, and means the proceedings, taken collectively, by the governing bodies of the public bodies, participating in the creation and establishment of a transit authority;

(10) "Appointing authority" means, as to a county, the county judge thereof; and as to any city, the elected chief officer thereof, whether designated as its mayor or the chairman of its board of trustees or otherwise;

(11) "Area" or "transit area" means the geographical area which may be encompassed from time to time within the lawful boundaries of such cities and counties as may be involved in the creation and establishment of an authority; and of any cities or counties within any single unified metropolitan area which may subsequently become participants as provided in this chapter; [.]

(12) "Mass transit," or "mass transportation," means the local transportation of persons and their baggage within a transit area, but shall not include charter bus operations beyond the authority's transit area, the for-hire operation of a taxicab, airport limousine, or industrial bus as defined by KRS chapter 281; [.]

(13) As used in this Act, unless the context otherwise requires:

(a) "Aged person" shall mean any person who is 65 years of age or older; and

(b) "Handicapped person" shall mean any person who is blind or disabled and is a recipient of Supplemental Security Income Program benefits.

Section 2. A new section of KRS Chapter 96A is created to read as follows:

(1) Any transit authority created and established under the provisions of this Chapter shall provide transportation on regularly scheduled mass transit routes at a rate of one-half the regular fare to aged persons and handicapped persons. Such reduced rates shall only be required during off-peak riding hours as determined by the participating transit authority.

(2) The cost of the reimbursement to the transit authority for the reduced fares provided under subsection (1) shall be borne by the Department for Human Resources.

Section 3. A new section of KRS Chapter 96A is created to read as follows:

(1) The Department for Human Resources, Bureau for Social Insurance, shall provide any aged or handicapped person who applies for reduced transportation rates with an identification card which shall verify his eligibility to the transit authority for reduced transportation rates. The cost of the identification card shall be borne by each aged or handicapped person applying for the reduced rates.

(2) The Department for Human Resources, Bureau for Social Insurance, shall promulgate any rules and regulations it deems necessary for the administration and monitoring of the reimbursement procedures.

(3) The provision of this Act shall be effective January 1, 1975.

The Committee on Business Organizations and Professions reported **SB 246,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 246, AN ACT relating to pharmacists and pharmacies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 315.035 is amended to read as follows:

(1) No person shall operate a pharmacy without having first obtained a permit as provided for in KRS *Chapter 315* [315.035, 315.110, 315.123 to 315.140, 315.171, 315.191 to 315.230, and 315.991]. An application for a permit to operate a pharmacy shall be made to the board upon forms provided by it and shall contain such information as the board requires, which may include affirmative evidence of ability to comply with such reasonable standards and rules and regulations as may be prescribed by the board. Each application shall be accompanied by a reasonable permit fee not to exceed *$50.00*[$25.00].

(2) Upon receipt of an application of a permit to operate a pharmacy, accompanied by the permit fee, not to exceed *50.00*[$25.00] the board shall issue a permit if the pharmacy meets the standards and requirements of KRS *Chapter 315* [315.035, 315.110, 315.123 to 315.140, 315.171, 315.191 to 315.230, and 315.991] and the rules and regulations of the board. [Any person operating a pharmacy which is in operation on June 16, 1966 shall be issued a permit to operate upon application and upon payment of the prescribed fee, even though the pharmacy does not meet the standards and requirements of KRS 315.035, 315.110, 315.123 to 315.140, 315.171, 315.191 to 315.230, and 315.991 and the rules and regulations of the board, provided that by July 1, 1967 the pharmacy must be in compliance with the standards and requirements of KRS 315.035, 315.110, 315.123 to 315.140, 315.171, 315.191 to 315.230, and 315.991 and the rules and

regulations of the board.] The board shall refuse to renew any permit to operate on July 1, 1967 or on any subsequent renewal date thereafter unless the pharmacy meets the standards and requirements of KRS *Chapter 315* [315.035, 315.110, 315.123 to 315.140, 315.171, 315.191 to 315.230, and 315.991] and the rules and regulations of the board. The board shall act upon an application for a permit to operate within thirty (30) days after the receipt thereof; Provided, however, That the board may issue a temporary permit to operate in any instance where it considers additional time necessary for investigation and consideration before acting upon the application. In such event, the temporary permit shall be valid for a period of thirty (30) days, unless extended.

(3) A separate permit to operate shall be required for each pharmacy.

(4) Each permit to operate a pharmacy, unless sooner suspended or revoked, shall expire on June 30 following its date of issuance and be renewable annually thereafter upon proper application accompanied by such reasonable renewal fee as may be set by regulation of the board.

(5) Permits to operate shall be issued only for the premises and persons named in the application and shall not be transferable; Provided however, That a buyer may operate the pharmacy under the permit of the seller pending a decision by the board of an application which shall be filed by the buyer with the board at least five (5) days prior to the date of sale.

Section 2. KRS 315.060 is amended to read as follows:

An examination fee shall be fixed by the board *not to exceed $75* [at not less than $20.00 nor more than $50.00,] and shall be collected for each examination taken by an applicant.

Section 3. KRS 315.110 is amended to read as follows:

(1) Every registered pharmacist who desires to continue to practice pharmacy shall, during January of each year, pay to the executive secretary of the board a reasonable renewal fee, to be fixed by regulation by the board, but not to exceed *$35.00*[$25.00.] *and shall file with the board an application in such form and containing such data as the board may require for renewal of his license. If the board finds that the applicant has continued his pharmacy education in accordance with the regulations of the board, paid the prescribed renewal fee, and is in compliance with other applicable board regulations, the board shall issue his license renewal* [For this he shall receive a certificate of renewal of his license].

(2) Every registered assistant pharmacist who desires to continue to practice pharmacy shall, during January of each year, pay to the executive secretary of the board a reasonable renewal fee, to be fixed by regulation by the board, but not to exceed $25.00. For this he shall receive a certificate of renewal of his license.

(3) Every registered pharmacist and every registered assistant pharmacist shall keep his current certificate conspicuously displayed in his place of business.

Section 4. A new section of KRS Chapter 315 is created to read as follows:

(1) Members of the Kentucky Board of Pharmacy, its agents, and employes shall be immune from suit in any action, civil, or criminal, which is based upon any official act or acts performed by them in good faith.

(2) Any pharmacist, whose duty it is to review or evaluate the acts of other pharmacists and who serves on any committee, board, commission or other entity affiliated with a governmental or quasi-governmental agency or with a medical facility, shall not be required to respond in damages for any official action taken by him in good faith as a member thereof.

The Committee Amendment to **SB 246** is as follows:

Amend printed copy of Senate Bill 246, page 4, line 7, by inserting after the word "*board,*" the following: "*but the length of study shall not exceed fifteen (15) hours in any calendar year,*"

The Committee on Banking and Insurance reported **SB 109** and **SB 335** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

SB 109, AN ACT relating to financial institutions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 287 is created to read as follows:

Any bank or trust company that is not fully insured by the Federal Deposit Insurance Corporation shall, in any advertisment soliciting deposits, carry the following statement: "The deposits in this institution are not federally insured."

Section 2. A new section of KRS Chapter 288 is created to read as follows:

Any loan company licensed under this chapter whose debentures or other indicia of indebtedness are not insured by insurance approved by the Commissioner of Banking shall in any advertisement soliciting notes and debentures, carry the following statement: "The notes and debentures in this institution are not fully insured."

Section 3. A new section of KRS Chapter 290 is created to read as follows:

Any credit union whose deposits and accounts are not fully insured through the National Credit Union Administration shall, in any advertisement soliciting savings accounts and deposits, carry the following statement: "The savings accounts and deposits in this institution are not federally insured."

Section 4. A new section of KRS Chapter 291 is created to read as follows:

Any industrial loan corporation whose bonds, notes and certificates of investment are not insured by insurance approved by the Commissioner of Banking shall, in any advertisement soliciting bonds, notes and certificates of investment, carry the following statement: "The bonds, notes and certificates of investment in this institution are not fully insured."

SB 335, AN ACT relating to savings and loan associations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 289 is created to read as follows:

(1) Notwithstanding the provisions of KRS 289.451(13) and KRS 289.461(2)(k) any state savings and loan association which has not become insured by December 31, 1974, must furnish proof satisfactory to the Commissioner of Banking and Securities prior to June 30, 1975, that it has:

(a) Obtained insurance of its savings accounts and share accounts by the Federal Savings and Loan Insurance Corporation, any agency of this State or other federal agency established for the purpose of insuring savings accounts in associations, or with any other insurer approved by the Commissioner and meeting the qualifications prescribed in this subsection; provided that no association subject to the provisions of this Chapter shall have the power to obtain insurance of accounts from, or represent in any way its accounts are insured by, any insurer other than the Federal Savings and Loan Insurance Corporation, or other federal agency or State agency, unless the Commissioner, after application to him for approval and after reasonable notice and an opportunity to be heard the Commissioner shall have determined:

(i) That the contract of insurance contemplated is written upon substantially the same basis as to form, amount, coverage, maturity, voluntary and involuntary termination and other provisions as the insurance contract provided at that time by the Federal Savings and Loan Insurance Corporation, and complies with the further requirements for protection as the Commissioner in his discretion may deem reasonably necessary; and

(ii) That the contract is underwritten by an insurer having a net worth reasonably commensurate with the risk underwritten, which is licensed in this State and authorized to do business in this State, and the Commissioner shall have issued a certificate of approval of such application; or

(b) Become a federal savings and loan association member of the Federal Home Loan Bank Board; or

(c) Merged into an existing insured savings and loan association, either state or federal; or

(d) Entered into voluntary liquidation.

Any merger into an insured savings and loan association or any voluntary liquidation must have the prior written approval of the Commissioner.

(2) Any state savings and loan association which has not by the close of business June 30, 1975, accomplished any one of the four steps prescribed in subsection (1) shall on and after July 1, 1975, be prohibited from:

(a) Making any loans pursuant to KRS Chapter 289; and

(b) Accepting any savings accounts, payments on share accounts or membership fees.

(3) Notwithstanding any other provisions of state law to the contrary, if any state savings and loan association has not accomplished one of the four steps prescribed in subsection (1) by December 31, 1974, the Commissioner shall apply to a court of general jurisdiction in the county in which the home office of such association is located for the appointment of a liquidating receiver for purposes of liquidating the assets and winding up the business affairs of such association. However, if such state savings and loan association shall furnish to the Commissioner proof satisfactory to him that a definite plan of accomplishment of one of said four conditions precribed in subsection (1) has been substantially completed, the Commissioner may, in his

sole discretion, extend the time for taking action for the appointment of such receiver. The commissioner in granting such extension may permit the acceptance of savings account payments on share accounts, membership fees or the making of loans.

The Committee on Health and Welfare reported **SB 173** and **SB 312** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

SB 173, AN ACT relating to medical care for emergency patients in hospitals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 216 is created to read as follows:
(1) Where a person has been determined to be in need of emergency care by any person with admitting authority, no such person shall be denied admission by reason only of his inability to pay for services to be rendered by the hospital.
(2) Any hospital acting by or through its agents or employees which violates the provisions of Section (1) of this Act shall be punished by a fine of not less than $1,000 nor more than $5,000.

SB 312, AN ACT relating to public health.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 214.200 is amended to read as follows:
(1) As used in this Act, unless the context otherwise requires:
"Retail store" shall mean any established place of business which produces a minimum of $25,000 in annual gross receipts from sales therein.
(2)[(1)] The State Board of Pharmacy shall issue three kinds of licenses for the sale of the appliances described in KRS 214.190, namely, manufacturer's license, wholesaler's license, and retailer's license. The licenses shall be in writing and one license shall be obtained for each store, loft or salesroom from which sales are to be made. The licenses shall not be publicly displayed, but shall be at any time exhibited by the licensee or holder to any authorized person who demands an inspection thereof.
(3)[(2)] A manufacturer's license shall be issued only to an actual manufacturer of the appliances described in KRS 214.190. A retailer's license shall be issued only to *retail business establishments, limited to retail drug stores, retail grocery stores, retail discount stores, and retail stores* [a retail drug store operated by or employing one or more registered pharmacists]. *The sale of appliances described in KRS 214.190 shall not be made through the medium of any vending machine nor shall they be made in any service station.*
(4)[(3)] Sales under a manufacturer's or wholesaler's license shall be authorized only to those holding a license to sell under this section or to licensed physicians and medical practitioners.

The Committee on Business Organizations and Professions reported **SB 166,** with Committee Amendment attached thereto, and **SB 305** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

SB 166, AN ACT relating to licensing of hearing aid dealers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 334.010 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(a) "Board" means the board for licensing hearing aid dealers and fitters.

(b) "License" means a license issued by the state under this chapter to hearing aid dealers and fitters.

(c) "Temporary permit" means a permit issued while the applicant is in training to become a licensed hearing aid dealer or fitter.

(d) "Hearing aid" means any wearable instrument or device designed for or *offered for the purpose of aiding, enhancing or compensating for impaired human hearing and any parts, attachments or accessories, including ear molds, but excluding batteries and cords* [represented as aiding, improving or correcting defective human hearing and any parts, attachments or accessories of such an instrument or device].

(e) *"Fitters" or the act of "fitting" refers to the measurement of human hearing by means of an audiometer or by other means devised for the purpose of making selections and adaptions of hearing aids to compensate for hearing loss* ["Practice of fitting and dealing" in hearing aids shall mean the measurement of human hearing by means of an audiometer or by other means devised for the purpose of making selections, adaptions and sales of hearing aids to compensate for hearing loss]. The term also includes the making of ear molds.

(f) "Dealers" or the act of "dealing" refers to the sale of hearing aids by a fitter.

(g)[(f)] "Sell or sale" shall mean any transfer of title or of the right to use by lease, bailment, or any other contract.

Section 2. KRS 334.020 is amended to read as follows:

(1) No person shall engage in the sale of or practice of fitting hearing aids or display a sign or in any other way advertise or represent himself as a person who practices the fitting and sale of hearing aids unless he holds an unsuspended, unrevoked license issued by the board as provided in this chapter, or unless he holds a current, unsuspended, unrevoked certificate of endorsement pursuant to KRS 334.050. The license shall be conspicuously posted in each office or place of business.

(2) Nothing in this chapter shall be so construed as to prohibit a firm or corporation from operating a business which dispenses hearing aids, if each of its employes who are actually engaged in the fitting of hearing aids is the holder of a license as a hearing aid dealer and fitter.

Section 3. KRS 334.040 is amended to read as follows:

(1) This chapter does not apply to a person while he is engaged in the practice of fitting hearing aids if his practice is part of the academic curriculum of an accredited institution of higher education or part of a program conducted by a public, charitable institution or nonprofit organization, which is primarily supported by voluntary contributions.

(2) This chapter shall not be construed to prevent any person who is a medical or osteopathic physician licensed to practice in the Commonwealth of Kentucky *or who is an audiologist holding a valid license under KRS Chapter 334A,* from treating or fitting hearing aids to the human ear, which includes the making of *an ear mold impression so long as they do not engage in the sale of hearing aids* [ear molds, or to an audiologist holding a Certificate of Clinical Competence of the American Speech and Hearing Association so long as they do not engage in the sale of hearing aids].

Section 4. KRS 334.050 is amended to read as follows:

An applicant for license shall pay a *non-refundable application* fee of $50.00, *which shall satisfy the first year's annual fee if the application is approved,* and show to the board that he:

(1) Is a [citizen] resident of the Commonwealth *or will, if licensed, have an established place of business as a hearing aid dealer, therein* ;

(2) Is a person of good moral character;

(3) Is 18 years of age or older;

(4) Has an education equivalent to a four-year course in an accredited high school, or has continuously engaged in the practice of fitting hearing aids in this Commonwealth during the three years preceding June 16, 1972;

(5) Is *without affliction with a contagious or infectious disease which would render the fitting of hearing aids by the applicant dangerous to the public health* [free of contagious or infectious disease].

Section 5. KRS 334.060 is amended to read as follows:

(1) An applicant for license who is notified by the board that he has fulfilled the requirements of KRS 334.050 shall appear at a time, place and before such persons as the board may designate and pass written and practical tests in order to demonstrate that he is qualified to practice the fitting of hearing aids. The examination administered shall not be conducted in a manner that college training is required in order to pass. Nothing in the examination shall imply that the applicant shall possess the degree of medical competence normally expected of a physician, or of audiological competence of a *licensed*[certified] audiologist.

(2) The board shall give at least one examination of the type prescribed in subsection (1) of KRS 334.070 in each year, and such additional examinations as the volume of applications may make appropriate.

Section 6. KRS 334.080 is amended to read as follows:

(1) *The board shall issue a license to each applicant who satisfies the requirements of KRS 334.050 and passes the examination required in KRS 334.060. The license shall be effective for one year and shall be renewed by payment of a fee, as set out in KRS 334.110* [Upon payment of $50.00, the board shall register each applicant who satisfactorily passes the examination. Thereupon the board shall issue to the applicant a license. The license shall be effective for one year].

(2) Whenever the board determines that another state or jurisdiction has requirements *substantially* equivalent to or higher than those in effect pursuant to this chapter for the selling and the practice of fitting hearing aids, and that such state or jurisdiction has a program equivalent to or stricter than the program for determining whether applicants pursuant to this chapter are qualified to sell and fit hearing aids, the board may , *without requiring the trainee period set out in KRS 334.090,* issue certificates of endorsement to applicants who hold current, unsuspended and unrevoked certificates or licenses to sell and fit hearing aids in such other state or jurisdiction upon application and successful completion of examination. [No such applicant for a certificate of endorsement pursuant to this subsection shall be required to submit to or undergo any training, investigation or other procedure, other than the payment of fees and examination pursuant to KRS 334.050 to 334.070.] The holder of a certificate of endorsement shall be registered in the same manner as holders of licenses *and excepting the exemption from trainee period shall be subject to all other provisions of this chapter.* [The fee for an initial certificate of endorsement shall be the same as the fee for an initial license. Fees, grounds and procedures for renewal, suspension and revocation of certificates of endorsement shall be the same as for renewal, suspension and revocation of licenses.]

(3) Applicants unable to or failing to demonstrate comparable licensing, as set out in subsection (2), must satisfy the trainee requirement of KRS 334.090, and are subject to all other provisions of this chapter.

Section 7. KRS 334.090 is amended to read as follows:

(1) An applicant who fulfills the requirements of KRS 334.050 and who has not previously applied to take the examination provided under subsection (1) of KRS 334.060 may apply to the board for a temporary trainee permit. *Successful completion of the trainee apprenticeship prior to taking the examination is required of all applicants except those exempted under KRS 334.080 and those having previously taken the examination* The *non-refundable* fee shall be $25.00.

(2) Trainee apprenticeship shall be for six (6) months *during which period the sponsor shall be responsible for all acts of the trainee in fitting hearing aids. Any infractions of this chapter by the trainee shall be chargeable to the sponsor. The stages of this period shall be* as follows:

(a) Stage I--the trainee shall work for thirty (30) days under the direct control of a registrant. He cannot in any way fit or test the customer.

(b) Stage II--this training stage shall last for sixty (60) days. During this period the trainee may do testing necessary for the proper selection and fitting of a hearing aid and make ear impressions. During this period the trainee may not make delivery or final fitting.

(c) Stage III--the trainee may engage in all activities of a licensed person. He must, however, work under and be responsible to a licensed dealer the following ninety (90) days.

(3) The above stages must be completed with no interim time lapse between stages. In the event the trainee leaves his place of training without approval of his employer, he loses seniority, and must revert to stage I. This ruling is subject to appeal to the board.

(4) After such period has passed, trainee shall take the qualifying examination given by the board for a license and upon successfully passing said examination, may obtain a license.

(5) If a person who holds a temporary permit issued under this section takes and fails to pass the qualifying examination, the board may renew the temporary trainee permit for a period ending ten (10) days after the date of the next qualifying examination. A *non-refundable* fee of twenty-five dollars ($25.00) shall be paid at the time the qualifying examination is repeated. A temporary trainee permit may be renewed only once and during this period the trainee shall continue in stage III of the trainee apprenticeship period.

(6) At such time as a course in fitting and selling of hearing aids, as approved by the board, shall be established in the Commonwealth of Kentucky, a satisfactory completion of this course shall be considered equivalent to stages I and II of the trainee period.

(7) Any person who shall hold an unsuspended or unrevoked certificate or license to fit and sell hearing aids in another state may make application to the board for examination in lieu of any trainee period.

(8) Temporary trainee permit holders shall be governed by all standards of regulations and ethical conduct pertaining to regular licensees.

(9) If an applicant fails to pass the examination twice he shall not be permitted to take the examination again without proof of further adequate study as the board shall by regulation provide. Until such proof is given and the examination passed, the applicant may not fit or deal in hearing aids.

Section 8. KRS 334.120 is amended to read as follows:

(1) Any person wishing to make a complaint against a licensee under this chapter shall reduce the same to writing and file this complaint with the board within one year from the date of the action upon which

the complaint is based. If the board determines the charges made in the complaint are sufficient to warrant a hearing to determine whether the license issued under this chapter shall be suspended or revoked, it shall make an order fixing a time and place for a hearing and require the licensee complained against to appear and defend against the complaint. The order shall have annexed thereto a copy of the complaint. The order and copy of the complaint shall be served upon the licensee at least twenty (20) days before the date set for hearing at the last known address. Continuances or adjournment of hearing date shall be made if for good cause.

(2) Any person registered under this chapter may have his license revoked or suspended for a fixed period by the board for any of the following causes:

(a) The conviction of a felony, or a misdemeanor involving moral turpitude. The record of conviction, or a copy thereof, certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence of such conviction.

(b) Procuring of license by fraud or deceit practiced upon the board.

(c) Unethical conduct, including:

1. The obtaining of any fee or the making of any sale by fraud or misrepresentation;

2. Employing directly or indirectly any suspended or unregistered person to perform any work covered by this chapter;

3. Using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is misleading, deceptive or untruthful;

4. Advertising a particular model or type of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase the advertised model or type, where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model or type than that advertised;

5. Representing that the service or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance or repair of hearing aids when that is not true, or using the words "doctor," "clinic" "clinical audiologist," or "state licensed," "state approved" or similar words, abbreviations or symbols which give the impression that service is being provided by persons trained in medicine or audiology, or that the licensees service is state recommended when such use is not accurate;

6. Habitual intemperance;

7. Gross immorality;

8. Permitting another's use of a license;

9. Advertising a manufacturer's product or using a manufacturer's name or trademark which implies a relationship with the manufacturer that does not exist; or

10. Directly or indirectly giving or offering to give, or permitting or causing to be given money or anything of value to any person who advises another in a professional capacity as an inducement to influence him or have him influence others to purchase or contract to purchase products sold or offered for sale by a hearing aid dealer or fitter, or influencing persons to refrain from dealing in the products of competitors.

(d) *Affliction with a contagious or infectious disease, chronic or persistent inebriety or addiction to a drug habit, which renders the practice of fitting hearing aids by the licensee or trainee dangerous to the public health or safety* [Conducting business while suffering from a contagious or infectious disease].

(e) Engaging in the fitting and sale of hearing aids under a false name, or alias.

(f) Selling a hearing aid to a person who has not been given tests utilizing appropriate established procedures and instrumentation in fitting of hearing aids.

(g) Gross incompetence or negligence in fitting and selling hearing aids.

(h) Advertising professional methods or professional superiority.

(i) Violating any provisions of this chapter.

(3) The board may initiate proceedings under KRS 334.010 to 334.190 either on its own motion or the complaint of any person, so long as the notice and hearing requirements of subsection (1) are met.

Section 9. KRS 334.140 is amended to read as follows:

(1) There is hereby created the "Kentucky Board for Licensing Hearing Aid Dealers".

(2) The board shall be composed of nine (9) members who shall be appointed by the Governor within thirty (30) days after June 16, 1972. Terms of office shall be for four years. Appointments shall be scheduled so that two (2) appointments shall be made every year, except the fourth year when one appointment shall be made. To accomplish this, initial appointments shall be made on the following schedule: Two (2) for one (1) year; three (3) for two (2) years; two (2) for three (3) years; and two (2) for four years. All terms shall expire on July 31 of designated year. Each member shall serve for the term of his appointment and until his successor has been appointed and qualified. In the event of a vacancy on the board, a new member shall be appointed to serve out the unexpired term. No member shall serve [more than one] consecutive terms. The Governor may remove a member only for cause.

(3) Five (5) members shall be hearing aid dealers. The initial appointees shall have at least five years' experience as dealers. Those appointed thereafter shall be licensed under this chapter. The Governor shall

consider nominations from the *Hearing Aid Association of Kentucky* [Kentucky Hearing Aid Dealers Association]. There shall not be two members from the same *hearing aid*[place of] business serving on the board at the same time.

(4) One (1) member shall be a physician licensed to practice medicine in Kentucky and specializing in otology or otolaryngology.

(5) One (1) member shall be an audiologist holding at least a Master's degree from a recognized college or university having the certification of clinical competence in audiology from the American Speech and Hearing Association.

(6) One (1) member shall represent the consumer public.

(7) One (1) member shall be the Commissioner of Health or his representative.

(8) Five (5) members of the nine (9) members of the board, including either the physician or the audiologist, when properly convened, may conduct the business of the board.

Section 10. KRS 334.150 is amended to read as follows:

The powers and duties of the board are as follows:

(1) To authorize all disbursements necessary to carry out provisions of this chapter.

(2) To prepare and administer qualifying examinations to test the knowledge and proficiency of applicants for licensing.

(3) To register persons who apply to the board and who are qualified to practice the fitting of hearing aids.

(4) To purchase and maintain or rent audiometric equipment and facilities necessary to carry out the examination of applicants for licensing.

(5) To issue and renew licenses and certificates of endorsement.

(6) To suspend or revoke licenses and certificates of endorsement pursuant to this chapter.

(7) To appoint representatives to conduct or supervise the examination of applicants for licensing.

(8) To designate the time and place for examining applicants or certificates.

(9) To make and publish rules and regulations not inconsistent with the laws of this Commonwealth which are necessary to carry out the provisions of this chapter.

(10) To require the periodic inspection of audiometric testing equipment and to carry out the periodic inspection of facilities of persons who practice the fitting of hearing aids.

(11) To appoint or employ subordinate employes.

(12) To administer oaths and to require the attendance of witnesses, the production of books, records and papers pertinent to any matters coming before the board by the issuance of process which shall be served and returned in the same manner as in civil actions and for the disobedience of which the board shall have by resort to a court of competent jurisdiction the power to invoke the same rights as are provided in the event of disobedience of a Subpoena or Subpoena duces tecum in a civil action.

Section 11. KRS 334.170 is amended to read as follows:

The *Department for Human Resources, Bureau of Health Services,* [Department of Health] shall provide administrative aid to the board to assist it in the discharge of its duties.

Section 12. KRS 334.180 is amended to read as follows:

(1) A certificate holder or applicant aggrieved by an order of the board refusing, suspending or revoking a license or certificate of endorsement may within thirty (30) days after notice thereof appeal thereupon to the *Franklin* circuit court [of the county in which the certificate holder or applicant conducts his practice or has his place of business or resides. The appeal shall be determined by the court upon the certified record and no new or additional evidence shall be heard or considered by the court]. Either party aggrieved by a final order entered by the circuit court may appeal to the Court of Appeals as in a civil action.

(2) No new or additional evidence shall be introduced in the Franklin Circuit Court except as to the fraud or misconduct of some party engaged in the administration of this chapter and affecting the order appealed from, but the court shall otherwise hear the case upon the record as attested by the board, and shall in all respects dispose of the appeal in a summary manner. Its review shall be limited to determining whether or not:

(a) The board acted without or in excess of its powers;

(b) The order appealed from was procured by fraud;

(c) If questions of fact are in issue, whether or not any substantial evidence supports the order appealed from.

Section 13. KRS 334.190 is repealed.

The Committee Amendment to **SB 166** is as follows:

Amend printed copy of Senate Bill 166, page 4, line 9, by deleting line 9 in its entirety; and on

page 4, line 10, by deleting "(3)" and inserting in lieu thereof "(2)"; and on

page 4, line 11, by deleting "(4)" and inserting in lieu thereof "(3)"; and on

page 4, line 16, by deleting "(5)" and inserting in lieu thereof "(4)"; and on

page 10, by deleting lines 13, 14, 15, 16, and 17 in their entirety; and on

page 10, line 18, by deleting "(b)" and inserting in lieu thereof "(a)"; and on

page 10, line 20, by deleting "(c)" and inserting in lieu thereof "(b)"; and on

page 11, by deleting lines 23 and 24 in their entirety; and on

page 11, line 25, by deleting "8." and inserting in lieu thereof "6."; and on

page 11, line 26, by deleting "9." and inserting in lieu thereof "7."; and on

page 12, line 3, by deleting "10." and inserting in lieu thereof "8."; and on

page 16, line 25, by deleting "*Franklin*" and the bracket before "of"; and on

page 17, line 4, by deleting the bracket following "court"; and on

page 17, line 8, by deleting "*Franklin*"

SB 305, AN ACT relating to motor vehicle certificates of registration.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 186 is created to read as follows:

(1) All information contained in the Department of Revenue's copy of certificates of registration is hereby declared to be confidential information and shall not be copied by anyone or disclosed to anyone other than employes of the Revenue Department in the regular course of their employment, except as follows:

(a) To law enforcement officers in the regular course of their duties;

(b) To other governmental agencies when required in their governmental functions; and

(c) The Revenue Department may prepare, once annually, a list containing only the name, address and license tag number of owners of motor vehicles and may furnish the same to any person.

(2) Notwithstanding the foregoing, the Revenue Department may, when requested for a particular vehicle, furnish desired information for the sum of fifty cents ($.50) per vehicle or make copies of certificates of registration and sell the same for the fee hereinafter prescribed. Certified copies of any and all records held by the Department of Revenue relative to certificates of registration issued under the laws of this state, may be received in evidence with the same effect as the original, when such original is not in the possession or under the control of the party desiring to use the same. For each certified copy furnished under this section, a fee of one dollar ($1.00) per instrument shall be charged and collected by the Department of Revenue.

The Committee on Judiciary reported **SB 111, SB 133** with Committee Amendment attached thereto, and **SB 256** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

SB 111, AN ACT relating to contracts and separate estate of married women.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 404.010 is amended to read as follows:

(1) Marriage shall give to the husband, during the life of the wife, no estate or interest in the wife's property, real or personal, owned at the time or acquired after the marriage. During the existence of the marriage relation the wife shall hold and own all her estate to her separate and exclusive use, and free from the debts, liabilities or control of her husband.

(2) A [married woman shall never be the joint maker of a note or a surety on any bond or obligation of another, other than her husband, without the joinder of her husband with her in making such contract unless her separate estate has been set apart for that purpose by mortgage or other conveyance. But a] married woman's estate shall be liable for her debts and responsibilities contracted before marriage, and for such contracted after marriage, except as provided in this chapter and in KRS Chapter 392.

Section 2. KRS 404.020 is amended to read as follows:

(1) A married woman may acquire and hold property, real and personal, by gift, devise or descent, or by purchase, and may, in her own name, as if she were unmarried, sell and dispose of her personal property. She may make contracts, and sue and be sued, as a single woman[, but may not make any executory contract to sell or convey or mortgage her real estate, unless her husband joins in the contract]. She may rent out her real estate, and collect, receive and recover in her own name the rents thereof, and make contracts for the improvement thereof.

(2) A gift, transfer or assignment of personal property between husband and wife shall not be valid as to third persons, unless it is in writing, and acknowledged and recorded as chattel mortgages are required to be acknowledged and recorded; but the recording of any such writing shall not make valid any such gift, transfer or assignment that is fraudulent or voidable as to creditors or purchasers.

SB 133, AN ACT relating to corporations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 271A.370 is amended to read as follows:

(1) Upon such approval, articles of merger or articles of consolidation shall be executed in triplicate by each corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of the officers of each corporation signing such articles, and shall set forth:

(a) The plan of merger or the plan of consolidation; and

(b) As to each corporation, the date and manner of adoption of such plan.

(2) Triplicate originals of the articles of merger or articles of consolidation shall be delivered to the Secretary of State. If the Secretary of State finds that such articles conform to law, he shall, when all fees and taxes therefor have been paid as prescribed by law:

(a) Endorse on each of such triplicate originals the word "Filed," and the month, day and year of the filing thereof;

(b) File one of such triplicate originals in his office; and

(c) Issue a certificate of merger or a certificate of consolidation to which he shall affix one other triplicate original.

(3) The certificate of merger or certificate of consolidation, together with the two triplicate originals of the articles of merger or articles of consolidation, shall be returned to the surviving or new corporation, as the case may be, or its representative. One of such triplicate originals shall then be filed with and recorded by the clerk of the county court in the county in which is situated the registered office of the corporation.

(4) A copy of the certificate of merger or certificate of consolidation, certified by the secretary of the surviving or new corporation, as the case may be, shall be filed with and recorded by the clerk of the county court in the county in which each of the merging or consolidating corporations maintained its registered office prior to the merger or consolidation.

Section 2. KRS 271A.375 is amended to read as follows:

(1) Any corporation owning at least ninety per cent of the outstanding shares of each class of another corporation may merge such other corporation into itself without approval by a vote of the shareholders of either corporation. Its board of directors shall, by resolution, approve a plan of merger setting forth:

(a) The name of the subsidiary corporation and the name of the corporation owning at least ninety per cent of its shares, which is hereinafter designated as the surviving corporation; and

(5) The certificate of merger, together with the two triplicate originals of the articles of merger shall be returned to the surviving corporation or its representative. One of such triplicate originals shall then be filed with and recorded by the clerk of the county court in the county in which is situated the registered office of the corporation.

(6) A copy of the certificate of merger, certified by the secretary of the surviving corporation, shall be filed with and recorded by the clerk of the county court in the county in which the subsidiary corporation maintained its registered office prior to the merger.

The Committee Amendment to **SB 133** is as follows:

Amend printed copy of Senate Bill 133, page 2, line 12, by deleting the word "clerk" and substituting therefor the word "clerks" and by deleting the word "county" and substituting therefor the word "counties";

and on lines 13 and 14 by deleting the word "corporation" and substituting therefor the word "corporations"; and by deleting lines 15 through 21 inclusive;

and on page 4, line 12, by deleting the word "clerk" and substituting the word "clerks" and by deleting the word "county" and substituting the word "clerks" and on line 14 by deleting the word "corporation" and substituting therefor the word "corporations" and by deleting lines 15 through 19 inclusive.

SB 256, AN ACT relating to the legal defense of indigent persons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 31.020 is amended to read as follows:

(1) The Office of Public Defender shall consist of the Public Defender, Deputy Public Defender, such Assistant Public Defenders as the Public Defender shall deem necessary, and such secretarial and other personnel as the Public Defender shall deem necessary.

(2) The Public Defender shall be *appointed by the Secretary of Justice with the prior approval of the Governor after the Secretary has received recommendation for the appointment from the Kentucky Bar Association. The public defender shall be directly responsible to the Secretary.* [chosen by the Governor from a list of names of five attorneys submitted to the Governor by the Kentucky Bar Association. Should none of the persons on the list be suitable to the Governor he may call for a new list which shall be provided by the Kentucky Bar Association.] The Public Defender shall be compensated at a rate not greater than $27,000 per year, and shall serve a term of four years, unless removed by the Governor.

(3) The Deputy Public Defender shall be an attorney and shall be appointed by the Public Defender and shall serve at his pleasure. [He shall be compensated at a rate not greater than $17,000 per year.]

(4) The Assistant Public Defenders shall be attorneys, shall be appointed by the Public Defender, *and* shall be *covered by the merit system* [under civil service, and shall be compensated at a rate not greater than $16,500 per year].

(5) Secretarial, clerical, and other personnel shall be appointed by the Public Defender, *and* shall be *covered by the merit system* [under civil service, and shall be compensated at appropriate rates determined by the public defender].

Section 2. KRS 31.050 is amended to read as follows:

(1) The Public Defender shall review and approve or deny or suggest modifications to all plans which are submitted to the Office of Public Defender for defense of indigent persons.

(2) If the plan for defense of indigent persons is approved the Public Defender may allot a sum not exceeding *40 per capita, to be based upon the most recent decennial census,* [$14,000] to the county or counties in the judicial district involved for the purpose of assisting the said plan. *This allotment, however, shall not be less than $14,000 per circuit judge per judicial district.* The moneys shall be divided among the counties in the district as provided by the plan which is submitted. At the end of each funding period any moneys not expended shall revert to the state Office of Public Defender. Counties and other units submitting applications under this chapter shall be obligated to pay and shall pay all costs incurred in their own defense of indigent programs which are in excess of *the maximum amount specified above* [$14,000], or other maximum amount of grant as specified in this chapter.

[(3) In any judicial district which contains more than one circuit judge each judgeship shall be considered as a separate district for purposes of funding, that is, if the district contains two judges the total amount which may be allotted to the district is $28,000, if the district contains three judges the total amount which may be allotted is $42,000, and if the district contains four judges the total amount which may be allotted is $56,000, and so on.]

Section 3. KRS 31.060 is amended to read as follows:

Each county with a judicial district containing ten or more circuit judges shall establish and maintain an office of District Public Defender and submit a plan for the operation thereof to the Office of Public Defender. If the plan submitted is approved by the Office of Public Defender the Public Defender shall grant to the county the amount *to which it would be entitled under KRS 31.050(2)* [of $14,000 multiplied by the number of circuit judges in the district] which shall be used as the Commonwealth's share in defraying the expenses of the program in that district. The county and other units contributing to the costs of the program shall be obligated to pay and shall pay all costs incurred in the operation of the defense of indigents program which are in excess of the state contribution. Any excess of moneys remaining at the end of the funding period shall be returned to the Office of Public Defender.

Section 4. KRS 31.090 is amended to read as follows:

In the event of funding deficiencies the amount of awards, grants and similar funding by the state of local efforts shall be reduced on an across the board percentage basis[, all areas being reduced by an equal amount].

Section 5. KRS 31.100 is amended to read as follows:

With regard to the District Public Defender and approved local programs of providing counsel for indigents the following terms and standards shall apply, subject to further definition and regulation by the Office of Public Defender.

(1) "Detain" means to have in custody or otherwise deprive of freedom of action;

(2) "Expenses," when used with reference to representation under this chapter, includes the expenses of investigation, other preparation, and trial, together with the expenses of any appeal;

(3) "Needy person" *or "indigent person"* means a person who at the time his need is determined is unable to provide for the payment of an attorney and all other necessary expenses of representation;

(4) "Serious crime" includes:

(a) A felony;

(b) A misdemeanor or offense any penalty for which includes the possibility of confinement for 6 months or more or a fine of $500 or more; and

(c) An act that, but for the age of the person involved, would otherwise be a serious crime.

Section 6. KRS 31.150 is amended to read as follows:

(1) The county attorney, on behalf of the county, or any other contributing agency in its behalf, may recover payment or reimbursement, as the case may be, from each person or his estate who has received legal assistance or another benefit under this chapter:

(a) To which he was not entitled;

(b) With respect to which he was not a needy person when he received it; or

(c) With respect to which he has failed to make the certification required by KRS 31.120(2); and

(d) For which he refuses to pay or reimburse. Suit must be brought within 10 years after the date on which the aid was received.

(2) The county attorney, on behalf of the county, or any other contributing agency in its behalf, may recover payment or reimbursement, as the case may be, from each person, other than a person covered by subsection (1), who has received legal assistance under this chapter and who, on the date on which suit is brought, is financially able to pay or reimburse the county for it according to the standards of ability to pay applicable under KRS 31.100(3), 31.110(1) and 31.120(2), but refuses to do so. Suit must be brought within *5* [10] years after the date on which the benefit was received.

(3) Amounts recovered under this section shall be paid into the county general fund, or to any other contributing agency.

Section 7. A new section of KRS Chapter 31 is hereby created to read as follows:

All plans authorized by KRS Chapter 31.160 shall conform to all rules and regulations promulgated by the office of public defender.

Section 8. A new section of KRS Chapter 31 is hereby created to read as follows:

If a county or district chooses none of the alternatives provided by KRS 31.160 or if a plan submitted to the public defender is denied as provided by KRS 31.050, then the public defender may establish in a county containing less than ten circuit judges (a) an office of district public defender, which shall be staffed by a district public defender who shall be an attorney, and any number of assistant public defenders necessary to perform adequately the functions of said office, or (b) an assigned counsel plan as described in KRS 31.160(1)(c).

Section 9. KRS 31.170 is amended to read as follows:

(1) If the Fiscal Court of a county elects to establish and maintain an office of public defender, they shall:

(a) Appoint the District Public Defender and any number of Assistant District Public Defenders necessary to adequately perform the functions of said office.

(b) Prescribe the qualification of the District Public Defender, his term of office which may not be more than 4 years and fix the rate of annual compensation for him and his assistants. In order to be qualified

for appointment as Public Defender a person must have been admitted to the practice of law and licensed to practice in the Commonwealth of Kentucky and be competent to counsel and defend a person charged with a crime. [During his incumbency neither the Public Defender nor any of his assistants shall engage in the practice of law other than in the discharge of his duties.]

(c) Provide for the establishment, maintenance and support of his office.

(2) If the Fiscal Court of a county elects to arrange with a non-profit organization to provide defenders, the county and any cities involved may reimburse the organization for such expenses as the Fiscal Courts respectively concerned have determined to be necessary in the representation of needy persons under this chapter, or may provide facilities described in KRS 31.180 (2) (a) in addition to or in lieu of said reimbursement.

(3) If a court assigns an attorney to represent a needy person it shall prescribe a reasonable rate of compensation for his services and shall determine the direct expenses necessary to representation for which he would be reimbursed. The county shall pay the attorney the amounts so prescribed *from the funds made available by the office of public defender.*

(4) An attorney under subsection (3) shall be compensated for his services with regard to the complexity of the issues, the time involved, and other relevant considerations. However, he may be compensated at a rate no higher than $30.00 an hour for time spent in court and no higher than $20.00 an hour for time spent out of court subject in each case to a maximum total fee of $1000 in case of a felony and $500 in any other case, unless the court concerned finds that special circumstances warrant a higher total fee.

Section 10. KRS 31.180 is amended to read as follows:

(1) If an office of *county or district* public defender has been established[,] *by the county or district, that* [the] public defender may employ, in the manner and at the compensation prescribed by the Fiscal Court[,] *or interlocal agreement,* as many *assistants* [assistant public defenders], clerks, investigators, stenographers and other persons as *are* [the Fiscal Court considers] necessary for carrying out his responsibilities under this chapter. A person employed under this section serves at the pleasure of the *county or district* public defender, unless his position is under a civil service system in which he may be removed only for cause.

(2) If an office of *county or district* public defender has been established, the Fiscal Court *or courts* shall:

(a) Provide appropriate facilities, including office space, furniture, equipment, books, postage, supplies and interviewing facilities in the jail, necessary for carrying out the public defender's responsibilities under this chapter; or

(b) Grant the *county or district* public defender an allowance in place of those facilities.

[(3) Any defending attorney operating under the provisions of this chapter is entitled to use the same state facilities for the evaluation of evidence as are available to the attorney representing the Commonwealth. If he considers their use impractical, the court concerned may authorize the use of private facilities to be paid for on court order by the county.]

Section 11. A new section of KRS Chapter 31 is hereby created to read as follows:

Any defending attorney operating under the provisions of this chapter is entitled to use the same state facilities for the evaluation of evidence as are available to the attorney representing the commonwealth. If he considers their use impractical, the court concerned may authorize the use of private facilities to be paid for on court order by the county.

Section 12. KRS 31.200 is amended to read as follows:

(1) Subject to KRS 31.190, any direct expense, including the cost of a transcript or bystander's bill of exceptions or other substitute for a transcript that is necessarily incurred in representing a needy person under this chapter, is a charge against the county on behalf of which the service is performed.

(2) If two or more counties jointly establish an office of public defender, the expenses not otherwise allocable among the participating counties under subsection (1) shall be allocated, unless the counties otherwise agree, on the basis of population according to the most recent decennial census.

(3) Expenses incurred in the defense of needy persons confined in a state correctional institution who are charged with a serious offense committed at such institution shall be borne by the state office of public defender.

Section 13. KRS 31.040 is repealed.

The Committee on Agriculture and Natural Resources reported **SB 122** and **SR 50** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

SB 122, AN ACT relating to the definition of agricultural or horticultural value.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 132.010 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Department" means the Department of Revenue.

(2) "Taxpayer" means any person made liable by law to file a return or pay a tax.

(3) "Real property" includes all lands within this state and improvements thereon.

(4) "Personal property" includes every species and character of property, tangible and intangible, other than real property.

(5) "Resident" means any person who has taken up a place of abode within this state with the intention of continuing to abide in this state; any person who has had his actual or habitual place of abode in this state for the larger portion of the twelve months next preceding the date as of which an assessment is due to be made shall be deemed to have intended to become a resident of this state.

(6) "Compensating tax rate" means that rate which, rounded to the next higher one-tenth of one cent per one hundred dollars of assessed value and applied to the 1972 assessment of the property subject to taxation by a taxing district, excluding net assessment growth, as defined in KRS 132.425, produces an amount of revenue approximately equal to that produced in 1971.

(7) "Agricultural land" means any tract of land of at least ten contiguous acres in area used for the production of livestock, livestock products, poultry, poultry products and/or the growing of tobacco and/or other crops including timber, or where devoted to and meeting the requirements and qualifications for payments pursuant to agriculture programs under an agreement with the state or federal government, where such activities produced an average gross income including payments under a state or federal program of at least $1,000 per year during the two years immediately preceding the tax year or there is evidence of anticipated yearly gross income of this amount. Land devoted exclusively to the growing of merchantable timber is excluded from the gross income provisions.

(8) "Horticultural land" means any tract of land of at least five contiguous acres in area commercially used for the cultivation of a garden, orchard, or the raising of fruits, vegetables, flowers or ornamental plants, where such activities produced an average gross income of at least $1,000 per year during the two years immediately preceding the tax year or there is evidence of anticipated yearly gross income of this amount.

(9) "Agricultural or horticultural value" means *the value* [representative sales of comparable land purchased] for agricultural or horticultural use with consideration being given to the *farm income producing capability based on customary agricultural or horticultural practices within the geographical area* [purpose of purchase, such as, farm expansion, improved accessibility and other factors unduly influencing the sales price].

(10) "Deferred tax" means the difference in the tax based on agricultural or horticultural value and the tax based on fair cash value.

(11) "Homestead" means a single family dwelling with all land and improvements adjoining and contiguous thereto including, but not limited to lawns, drives, flower or vegetable gardens, outbuildings and all other land connected to the single family dwelling.

(12) "Single unit residence" means a residence which is private--wherein an individual or family lives. This does not include an apartment or duplex but does include a condominium unit owned and occupied on an individual basis.

(13) "Special benefits" are those which are provided by public works not financed through the general tax levy but through special assessments against the benefited property.

SR 50, A JOINT RESOLUTION directing that a study be made of the tobacco auction system.

WHEREAS, many thousand independent producers of tobacco sell their product to a relatively small number of tobacco companies; and

WHEREAS, the results of 1973-1974 tobacco sales have raised questions about competitive bidding for tobacco; and

WHEREAS, Kentucky farmers are entitled restitution for losses from proven monopolistic pricing policies;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Department of Agriculture is hereby directed to conduct a comprehensive study of the tobacco auction system in this state.

Section 2. That the study shall be directed but not restricted to the following: analysis of the sales and distribution system in tobacco marketing; and, analysis of an allocation system of tobacco sales by warehouses relative to possible restrictive trade practices inclusive but not exclusive of violations of state and federal antitrust laws and restraints of trade.

Section 3. The Department of Agriculture is directed to report its findings to the Joint Interim Committee on Agriculture and Natural Resources by November 1, 1975.

The Committee on Cities reported **SB 269, SB 286,** and **SB 347** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

SB 269, AN ACT changing the classification of the City of Independence in Kenton County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Independence in Kenton County is such to justify its being classified as a city of the fifth class;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The City of Independence in Kenton County is transferred from the sixth to the fifth class of cities.

SB 286, AN ACT relating to transit authorities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 96A.170 is amended to read as follows:

(1) An authority created and established under this chapter, together with its ownership, financing, operation, rates and charges for use of its services and facilities, rules and regulations, routes, schedules and quality of service within its transit area shall be exempt from all jurisdiction of the department of motor transportation of the commonwealth, provided, however, that no new service may be instituted in competition with an existing certificated bus company without an application to and a grant of authority from the department of motor transportation as provided by KRS chapter 281.

(2) No transit authority may engage in any charter bus service beyond the territorial limits of its transit area *except a transit authority located in an urban county government which may engage in intrastate charter bus service within twenty-five miles from the boundaries of the urban county government.*

SB 347, AN ACT relating to new community districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 108A.030 is amended to read as follows:

No petition for a new community district shall be considered by the county court unless:

(1) The petition contains the name and address of each landowner within the territory of the proposed district and the petitioner has control, by deed, contract or option, of 75 per cent of the land to be included in the district.

(2) The district would contain at least *one thousand (1000) acres* [six (6) square miles] of contiguous territory.

(3) The petition contains a description of the proposed territory and is accompanied by a map of the area and a statement of the criteria for a development plan.

(4) The petition states the number of commissioners to be appointed by the governor as the initial board of commissioners and the term for which each shall serve.

The Committee on Education reported **SB 18, SB 156** with Committee Amendment attached thereto, **SB 306,** and **SB 323** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

SB 18, AN ACT relating to experimental operation of schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 157 is created to read as follows:

(1) As used in this Act, unless the context requires otherwise:

(a) "Board" means the state board of education.

(b) "Current costs and expenses" means all expenditures except capital outlay, debt service and that portion of salaries for professional staff in excess of that calculated from the allotment schedule set forth in the biennial budget for teachers' salaries.

(c) "Superintendent" means the state superintendent of public instruction.

(d) "Year-round school program" means any plan of operation, approved by the state board of education upon recommendation of the state superintendent of public instruction, which requires the use of school facilities and resources throughout the school year.

(2) It is the intention of the general assembly in this Act to permit the state board of education, upon recommendation of the state superintendent of public instruction, to authorize a local board of education to operate public elementary and secondary schools on a basis other than the standard school day, month, term or year for purposes of experimentation. The objective of this legislation is to encourage experimentation that may result in improved quality of education or more efficient use of educational resources in the state.

(3) The board, upon recommendation of the superintendent, shall adopt regulations relating to the requirements to be met by school districts for authorization to operate experimental programs on a basis other than the standard school day, month, term or year.

(4) The board, upon recommendation of the superintendent, shall select no more than three school districts from those applying for authorization to operate experimental programs on a basis other than those requirements provided by KRS 158.060 and 158.070 (2).

(5) The board, upon recommendation of the superintendent, shall select at least three school districts, if three school districts meeting the requirements of the board apply, for experimental operation of year-round school programs.

(6) Any school district selected for experimental year-round school program operation shall be reimbursed by the department of education, out of funds not required by law to be expended in any other manner, in an amount equal to all current costs and expenses of the district for furnishing such services in excess of the regular school year. The school services furnished shall be substantially equal to those provided during the regular school year.

(7) For each fiscal year the department of finance, on certification of the superintendent, shall draw warrants on the state treasurer for the amount of funds due each school district selected for operation of a year-round school program. On or before July 1 of each year, the superintendent shall determine the tentative allotment of funds to which each selected district is entitled. On August 1 of each year and on the first of each month for two successive months, a warrant in the amount of one fourth of each selected district's estimated current cost and expenses shall be remitted to the school district. On November 1 of each year the school district shall make application to the superintendent for the balance of reimbursement due. Upon approval of the application, the superintendent shall notify the department of finance of the final payment due each selected school district.

(8) The superintendent shall make thorough cost, benefit and effectiveness analyses and evaluation of all experimental programs operating under the provisions herein and shall make annual progress reports and, at the earliest appropriate time, final recommendations relating to their continuation, expansion or termination to the legislative research commission and to the governor.

Section 2. KRS 157.320 is amended to read as follows:

As used in KRS 157.310 to 157.440, unless the context otherwise requires:

(1) "Average daily attendance" means the aggregate days attended by pupils in a public school, divided by the actual number of days the school is in session for the year[, except as provided in subsection (15) of this section];

(2) "Average daily membership" means the aggregate days of membership of pupils in a public school divided by the actual number of days the school is in session for the year;

(3) "Board" means the board of education of any county or independent school district;

(4) "Classroom unit" means the unit for measuring educational needs for foundation program purposes;

(5) "District" means any school district as defined by law;

(6) "Elementary school" means a school consisting of grades kindergarten through eight, or any appropriate combination of grades within this range, as determined by the plan of organization for schools authorized by the district board;

(7) "Foundation program" means the level of educational services and facilities, as defined in KRS 157.310 to 157.440, which is to be provided in each district from the required local tax effort and the public school foundation program fund;

(8) "Isolated school" means an elementary or secondary school which had fewer than one hundred pupils in average daily attendance during the previous school year and which meets such standards for isolation as shall be prescribed by the regulations of the State Board of Education, based on factors to include distance by the nearest passable road from another appropriate school center which is able to receive the pupils, and the time for transportation necessary to attend another school;

(9) "Public school foundation program fund" means the fund created by KRS 157.330 for use in financing education in public elementary and secondary schools;

(10) "Regulations of the State Board of Education" means those regulations which the State Board of Education may adopt upon the recommendation and with the advice of the Superintendent of Public Instruction. The Superintendent of Public Instruction shall recommend for adoption of the State Board of Education such rules and regulations as he deems necessary for carrying out the purposes of KRS 157.310 to 157.440;

(11) "Required local tax effort" means the amount of money required to be provided by a district from tax revenue sources only;

(12) "Secondary school" means a school consisting of grades seven through twelve, or any appropriate combination of grades within this range as determined by the plan of organization for schools authorized by the district board. When grades seven through nine or ten are organized separately as a junior high school, or grades ten through twelve are organized separately as a senior high school and are conducted in separate school plant facilities, each shall be considered a separate secondary school for the purposes of KRS 157.310 to 157.440;

(13) "Single salary schedule" means a schedule adopted by a local board and approved by the State Board of Education upon recommendation of the Superintendent of Public Instruction which is based on training, experience and such other factors as the State Board of Education may approve and which does not discriminate between salaries paid elementary and secondary teachers;

(14) "Teacher" means any regular or special teacher, principal, supervisor, superintendent, assistant superintendent, librarian, director of pupil personnel, or other member of the teaching or professional staff engaged in the service of the public elementary and secondary school for whom certification is required as a condition of employment; [and]

[(15) "Year-round school program" means any plan approved by the State Board of Education upon the recommendation of the State Superintendent of Public Instruction which requires the use of school buildings and facilities during the entire school year and which provides a form of optional scheduling of pupils and school personnel during the school year. A district participating in a year-round school program may use the average daily attendance for the most recent year prior to engaging in a year-round school program. For the next school year and each year thereafter, the average daily attendance calculated for the prior year shall be increased by the average percentage increase in the end of the year average daily attendance for the three years immediately prior to engaging in the year-round school program.]

Section 3. KRS 157.360 is amended to read as follows:

(1) In determining the cost of the foundation program for each district, the Superintendent of Public Instruction shall allot to each district classroom units for elementary and secondary schools, classroom units for vocational education, classroom units for special instructional services for exceptional children, classroom units for superintendents, principals and their certificated assistants and special instructional service personnel, classroom units for supervisors of instruction, and classroom units for directors of pupil personnel; provided, however, that the number of classroom units allotted any district shall not exceed the number of teachers employed by the district.

(2) In allotting classroom units for elementary and secondary schools, one classroom unit shall be included for each twenty-seven pupils in average daily attendance; provided, however, that one classroom unit

shall be included for each isolated one-teacher school and one unit shall be included for each twenty-five pupils in average daily attendance at all other isolated schools.

(3) Allotments of classroom units in accordance with subsection (1) of this section shall be made on the average daily attendance for the previous school year; provided, however, that if the average daily attendance in any district for the first two months of the current school year is greater than the average daily attendance of the district for the first two months of the previous school year, upon application of the district board, made prior to December 1, the total number of classroom units allotted the district shall be increased by the percent of increase. [except for districts participating in a year-round school program as defined in subsection (15) of KRS 157.320. For districts participating in a year-round school program approved by the State Board of Education, upon the recommendation of the Superintendent of Public Instruction, the total number of classroom units allotted the district shall be increased by the average percentage of gain in the first two months' attendance during the three years immediately prior to participating in a year-round school program. In the event that a district participating in an approved year-round school program experiences a financial emergency due to unanticipated growth, the State Board of Education, upon the recommendations of the State Superintendent of Public Instruction, may adopt regulations which will insure that the district will share equitably in foundation program funds for that school year. In the event that a district participating in an approved year-round school program experiences a reduction in pupils, the State Board of Education, upon the recommendation of the Superintendent of Public Instruction, may adopt regulations which will equitably reduce the district's foundation program allotment.] If the average daily attendance of any district shall have been reduced more than three percent during the previous school year due to such factors as epidemics, inclement weather, or disaster, upon application of the district superintendent, made before July 1 of that year, the number of classroom units allotted the district for the ensuing school year shall be increased by the difference in percent between the ratio of the average daily attendance to the average daily membership for the scholastic year just ended, and the ratio of the average daily attendance to the average daily membership for the two highest of the three preceding scholastic years.

(4) In allotting classroom units for vocational education, one classroom unit shall be allotted for each full-time teacher, and a proportionate fraction of a classroom unit shall be allotted for each less than full-time teacher of vocational classes that meet the regulations of the State Plan of Vocational Education as approved by the State Board of Education; a proportionate fraction of a classroom unit shall be allotted for each teacher employed to teach evening, part-time, or short unit classes for less than a school day or a school year that meet the regulations of the State Plan of Vocational Education as approved by the State Board of Education.

(5) In allotting classroom units for special instructional services for exceptional children, one classroom unit shall be included upon the employment of each teacher approved to teach such children in accordance with the provisions of law and regulations of the State Board of Education.

(6) In allotting classroom units for superintendents, principals, their certificated assistants, and special instructional service personnel, the total number of classroom units allotted in subsections (2), (4), and (5) shall be divided by eight and the quotient shall be the number of classroom units allotted to the district for superintendents, principals, their certificated assistants and such special instructional service personnel as are authorized by regulations of the State Board of Education.

(7) In allotting classroom units for supervisors of instruction, one-half of a classroom unit shall be allotted each district which is allotted twenty-five through forty-nine classroom units under subsections (2), (4), and (5); one unit shall be allotted each district which is allotted fifty to one hundred classroom units, one unit shall be allotted for each one hundred classroom units, or major fraction thereof, in districts allotted more than one hundred classroom units under these subsections.

(8) In allotting classroom units for directors of pupil personnel, one classroom unit shall be allotted each district which is allotted thirty-six to one hundred and sixty-six classroom units under subsection (2) and a unit for each additional two hundred and sixty-six classroom units or fraction thereof allotted under subsection (2). For districts having fewer than thirty-six classroom units, a proportionate fraction of a classroom unit shall be allotted.

(9) In allotting classroom units for kindergarten, the Superintendent of Public Instruction, under regulations of the State Board of Education, may allot units for kindergarten.

(10) In allotting classroom units under subsection (1) through (9) the Superintendent of Public Instruction, under regulations of the State Board of Education, may allot units on the basis of an area larger than a district for educational services which cannot be adequately and economically provided on a district basis.

Section 4. KRS 157.370 is amended to read as follows:

(1) In determining the cost of the foundation program for each district, the Superintendent of Public Instruction shall determine the average cost per pupil per day of transporting pupils in districts having a similar density of transported pupils per square mile of area served by not less than nine different density groups.

(2) The annual cost of transportation shall include all current costs for each district plus annual depreciation of pupil transportation vehicles calculated in accordance with the regulations of the State Board of Education for such districts that operate district-owned vehicles.

(3) The aggregate and average daily attendance of transported pupils shall include all public school pupils transported at public expense who live one mile or more from school, provided that handicapped children may be included who live less than this distance from school. The aggregate and average daily attendance referred to in this subsection shall be the aggregate and average daily attendance of transported pupils the prior year adjusted for current year increases in accordance with State Board of Education regulations.

(4) The square miles of area served by transportation shall be determined by subtracting from the total area in square miles of the district the area not served by transportation, determined in accordance with the regulations of the State Board of Education provided that if one district authorizes another district to provide transportation for a part of its area, such area served shall be deducted from the area served by that district and added to the area served by the district providing the transportation.

(5) The density of transported pupils per square mile of area served for each district shall be determined by dividing the average daily attendance of transported pupils by the number of square miles of area served by transportation.

(6) The Superintendent of Public Instruction shall determine the average cost per pupil per day of transporting pupils in districts having a similar density by constructing a smoothed graph of cost for all density groups as provided in subsection (1). This graph shall be used to construct a scale showing the average costs of transportation for districts having a similar density of transported pupils. Such costs shall be determined separately for county school districts and independent school districts, provided that no independent school district will receive an average cost per pupil per day in excess of the minimum received by any county district or districts. These costs shall be the costs per pupil per day of transported pupils included in the Foundation Program and such costs shall be recalculated each biennium.

(7) The scale of transportation costs included in the Foundation Program for county and independent districts is determined in accordance with the provisions of KRS 157.310 to 157.440 for the biennium beginning July 1, 1960.

[(8) This section applies to those districts participating in a year-round school program. In calculating the tentative graph adjusted pupil transportation program cost for the district, the graph adjusted cost per pupil per day shall be calculated for the entire school year on the same basis provided in subsection (1) through (7) of this section. However, in determining the total days' attendance to be multiplied by the cost per pupil per day, the average daily attendance for transportation as determined in accordance with the provisions of subsection (3) of this section for the most recent prior school year shall be increased by the average percentage increase in average daily attendance for transportation as shown in the district's tentative pupil transportation cost calculation for the three years immediately prior to the district's engaging in a year-round school program.]

[(9) For a district participating in a year-round school program, in determining the amount to be added to the district's tentative pupil transportation program cost for growth, the district's tentative pupil transportation program cost calculation for each school year shall be multiplied by the average percentage of growth in average daily attendance for transportation as determined in accordance with the provisions of subsection (3) of this section for the three years immediately prior to the district's engaging in the year-round school program.]

Section 5. KRS 158.070 is amended to read as follows:

(1) The minimum school term shall be one hundred eighty-five days. The Superintendent of Public Instruction, upon the approval of the State Board of Education, may extend the minimum term to ten months when the resources of the school fund or contributions by local taxation justify the extension; but no extension shall be made if it reduces the salaries of the teachers below the minimum fixed by law. A board of education may extend its terms beyond the minimum term set by the Superintendent of Public Instruction. Any local board of education *operating* [may elect to operate] its schools on a year-round school program basis *shall conform* [in accordance] with regulations promulgated and adopted by the State Board of Education upon the recommendation of the State Superintendent of Public Instruction, which regulations must be in conformity with the following criteria:

(a) The year-round school program shall be operated on a fiscal year beginning July 1 and ending June 30.

(b) A pupil's required attendance in school shall be for at least the minimum term.

(c) No teacher shall be required to teach more than the minimum term during the school year.

(2) The board of education of any school district may use no more than four days of the minimum school term for holidays, three days for in-service training and professional work, three days for attendance at state and district meetings of professional education associations, a total of five days for (a) national or state disaster or mourning when proclaimed by the President of the United States or the Governor of the

Commonwealth of Kentucky, and (b) local disaster which would endanger the health or safety of children or mourning when so designated by the district board of education and approved by the State Board of Education upon recommendation of the Superintendent of Public Instruction, and shall use one day of excused absence for attendance at the Kentucky State Fair for students applying for excused absence for this purpose. The State Board of Education, upon recommendation of the Superintendent of Public Instruction, shall adopt regulations governing the use of school days.

Section 6. KRS 158.065 is hereby repealed.

SB 156, AN ACT relating to educational assistance for children of veterans.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 164.505 is amended to read as follows:

(1) Any person whose parent was a resident of the Commonwealth of Kentucky upon entrance into military service and who was killed while serving in the armed forces of the United States [during wars declared by Congress or actions of the United Nations] or who died as a result of a service connected disability shall not be required to pay any matriculation or tuition fee upon his admission to any state supported institution of higher education.

(2) In order to obtain the benefits conferred by subsection (1), the applicant therefor must have resided in Kentucky for five years next preceding his application for admission, and the parent-child relationship must be shown by birth certificate, adoption papers or other documentary evidence. The parent's service and the cause of death must be evidenced by certification from the Veterans' Administration records, its successor or the Department of Defense of the United States. In event one so admitted to a state supported institution of higher education under the provisions of this section shall have obtained a cash scholarship paid or payable to such institution, from whatever source, the amount of such scholarship shall be applied to the credit of such applicant in the payment of incidental expenses of his attendance at such institution, and any balance, if the terms of the scholarship permit, shall be returned to such applicant.

Section 2. KRS 164.515 is amended to read as follows:

(1) Any child or orphan of a permanently and totally disabled [war] veteran or prisoner of war or member of the armed services declared missing in action, who is over the age of *17* [seventeen (17)] and under the age of *23* [twenty-three (23)] shall not be required to pay any matriculation or tuition fee upon his admission to any state supported institution of higher education or to any state supported vocational training school for a period not in excess of *36* [thirty-six (36)] months in order to obtain a diploma, nor in excess of the lesser number of months required for a certificate of completion.

(2) To be entitled to benefits under this section the parent of the child claiming benefits if living must be rated permanently and totally disabled for pension purpose or one hundred per cent disabled for compensation purposes by the United States Veterans' Administration of the Department of Defense or if deceased the claim to benefits is to be based on the rating held by the veteran at the time of death or if a prisoner of war or missing in action, must have been declared as such by the department of defense. The father's service and rating must be evidenced by certification from the Veterans' Administration records, its successor or the Department of Defense of the United States.

(3) In the absence of certification of permanent and total disability by the United States Veterans' Administration or the Department of Defense, medical evidence showing permanent and total disability or the existence of permanent and total disability for a period of at least thirty days immediately prior to death may be accepted, if this evidence is signed by a physician licensed to practice in the Commonwealth of Kentucky or an official of an accredited medical hospital in the Commonwealth of Kentucky.

(4) The parent-child relationship must be shown by birth certificate, legal adoption papers or other documentary evidence.

(5) To entitle a child or orphan to benefits under this section the disabled [war] veteran living or deceased must have served [during time of war or the Korean conflict or subsequent periods of federally recognized hostilities] in the Armed Forces of the United States, and his discharge therefrom must have been under honorable conditions. He must be a resident or if deceased, was a resident of the Commonwealth of Kentucky, and his residency must have been for a period of not less than five [(5)] years immediately preceding *his date of entrance into the armed forces of the United States* [June 16, 1966].

(6) To receive benefits under this section an eligible child, or orphan, must be a graduate of an accredited high school as recognized by the State Department of Education.

(7) No provision of this section shall serve to deny these benefits to an eligible child, or orphan, who enlists, or who fulfills a military obligation, in the Armed Forces of the United States and is discharged

therefrom under honorable conditions; such period of time spent in the military service to be compensated by like time, beyond the age of 23 years if required, but not in excess of the period of enrollment as set forth in subsection (1) above.

(8) The marriage of an eligible child, or orphan, shall not serve to deny full entitlement to the benefits provided in this section.

The Committee Amendment to **SB 156** is as follows:

Amend printed copy of Senate Bill 156, page 1, line 6, by striking the bracket "[" before the word "during" and by adding after the word "during" the following: "*a national emergency, or*"

page 1, line 7, by striking the bracket "]" after the words "United Nations"

page 2, line 14, by striking the brackets before and after the word "war" between the words "disabled" and "veteran"

page 3, line 26, by striking the brackets before and after the word "war"

page 4, line 1, by striking the bracket "[" before the word "during"

page 4, line 3, by striking the bracket "]" after the word "hostilities"

page 4, line 6, by striking the comma "," after the word "Kentucky" and by adding in lieu thereof"[,]"

page 4, lines 7 through 10, by deleting lines 7 through 10 in their entirety and by adding in lieu thereof the following: "[and his residency must have been for a period of not less than five years immediately preceding June 16, 1966]."

SB 306, AN ACT relating to the immunization against rubella.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 214.034 is amended to read as follows:

Except as otherwise provided in KRS 214.036, all parents, guardians, and other persons having care, custody or control of any child shall have the child immunized against diphtheria, tetanus, poliomyelitis, pertussis, *rubeola,* and *rubella* [measles] in accordance with immunization schedules established by regulations of the State Board of Health. Such persons shall also have booster immunizations administered to the child in accordance with the regulations of the State Board of Health.

Section 2. KRS 158.035 is amended to read as follows:

Except as otherwise provided in KRS 214.036, no child shall be eligible to enroll as a student in any public or private elementary or secondary school without first presenting a certificate from a duly licensed medical or osteopathic physician stating that the child has been immunized against diphtheria, tetanus, poliomyelitis, *rubeola,* and *rubella* [measles] in accordance with the provisions of this section and KRS 214.010, 214.020, 214.032 to 214.036 and 214.990 and the regulations of the State Board of Health. The governing body of private and public schools shall enforce the provisions of this section.

SB 323, AN ACT relating to school building revenue bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 162.300 is amended to read as follows:

County boards of education and boards of education of independent districts not embracing a city of any class may obtain buildings for school purposes by proceeding under the provisions of KRS 162.120 to 162.290[, except that the provisions of KRS 162.120 to 162.140 may be used only for the construction of

school buildings with financial assistance from the federal government]. When applied to such boards of education, KRS 162.120 to 162.290 shall be so read that the term:

(1) "City" means "county" *or "urban-county", as the case may be.*

(2) "City clerk" means "county clerk" *or the appropriate record keeping officer in an urban-county government.*

(3) "Governing body of the city" means "fiscal court" *or the governing body of an urban county government, as the case may be.*

(4) "Mayor or chairman of the board of trustees" means "county judge" *or "chief executive officer of the urban county government", as the case may be.*

(5) "Ordinance" means *either "ordinance" or* "resolution".

The Committee on Elections and Constitutional Amendments reported **SB 220** and **SB 345** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

SB 220, AN ACT relating to the Kentucky Registry of Election Finance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 123.061 is amended to read as follows:

(1) *The registry shall appoint a full-time executive director, legal counsel and an accountant for auditing purposes, all of whom shall serve at the pleasure of the registry. The registry shall also appoint such other employes as are necessary to carry out the purposes of this chapter* [The registry shall appoint a full-time executive and such other employes as are necessary to provide the service to carry out all purposes of KRS 123.051 to 123.101, including an attorney or attorneys on a full or part-time basis].

(2) It shall be the duty of the registry to conduct hearings with regard to possible violations and for the effectual carrying out of its responsibilities the registry shall have the authority to initiate a civil action in any court of competent jurisdiction for the purpose of enforcing compliance with the provisions of this chapter or enjoining violations thereof or recovering any penalty prescribed by this chapter.

(3) [(2)] The registry shall adopt such regulations, official forms and perform such duties as are necessary to implement the provisions of KRS 123.005 and 123.051 to 123.101. *Without limiting the generality of the foregoing t*[T]he registry is authorized and empowered to:

(a) Develop prescribed forms for the making of the required reports;

(b) Prepare and publish a manual for all candidates and committees, describing the requirements of the law, including uniform methods of bookkeeping and reporting *and requirements as to reporting dates and the length of time that candidates and committees are required to keep any records pursuant to the provisions of this chapter* ;

(c) Develop a filing, coding and cross-indexing system;

(d) *Make each report filed available for public inspection and copying during regular office hours at the expense of any person requesting copies of the same* [Permit copying or photocopying of any report as requested by any person];

(e) *Preserve all reports for a period not less than one year past the term of office for which the statement has been filed* [Preserve all reports for at least two (2) years from date of receipt];

(f) Prepare and make available for public inspection a summary of all reports grouped according to candidates and parties, containing the total receipts and expenditures, and the date, name, address and amount contributed by each contributor, listed alphabetically, shown to have contributed *in excess of $100* [$500];

(g) Prepare and publish an annual report with cumulative compilations named in paragraph (f) above;

(h) Distribute upon request, for a nominal fee, copies of all summaries and reports;

(i) *Determine whether the required reports have been filed and if so, whether they conform with the requirements of this Act* [Ascertain whether candidates, committees or others have failed to file reports or have filed defective reports], give notice to delinquents to correct or explain defections, *make public the fact that a violation has occurred and the nature thereof* [make available for public inspection a list of such delinquents];

(j) Hold public hearings, investigate any violations in reporting, and issue subpoenas for the production of *any books, papers, correspondence, memorandums or other records* [documents] and the attendance of witnesses *which the registry deems relevant or material for the purpose of any investigation;* [.]

(k) Make on its own motion audits and field investigations;

(l) Make investigations with respect to reports upon complaint by any registered voter and to initiate proceedings on its own motion;

(m) Adopt and promulgate in accordance with Section 1 (3) of this Act a "Code of Fair Campaign Practices";

(n) Forward to the attorney general or to the appropriate commonwealth's attorney any violations of this chapter which may become the subject of civil prosecution.

[(3) Promptly after the final date for filing statements and reports the registry shall notify all persons who have become delinquent in filing the same, and shall make available a list of such delinquents for public inspection. The registry shall also report to the attorney general and the commonwealth's attorneys such list.]

Section 2. A new section of KRS Chapter 123 is created to read as follows:

(1) The registry shall take such steps as may be necessary to furnish timely and adequate information to every candidate or prospective candidate for public office who becomes or is likely to become subject to the provisions of this chapter. The registry shall also take such steps as are necessary to inform every treasurer and depository duly designated under this chapter of their actual obligations and responsibilities under this chapter.

(2) The registry shall take such steps to disseminate among the general public such information as may serve to guide all persons who may become subject to the provisions of this chapter by reason of their participation in election campaigns or in the dissemination of political information, for the purpose of facilitating voluntary compliance with the provisions and purposes of this chapter.

Section 3. A new section of KRS Chapter 123 is created to read as follows:

Any registered voter who believes a violation of this chapter has occurred may file a complaint under oath with the registry such complaint shall be kept confidential pending final determination of the merits of the complaint by the registry. The Registry shall conduct a preliminary investigation of the merits of such complaint. If the registry determines that there are no reasonable grounds to believe that a violation has occurred, the complaint shall be dismissed. If the registry determines that there are such reasonable grounds, it shall give notice summoning the persons believed to have committed the violation to a hearing. The registry shall adopt such regulations to govern the conduct of a hearing. The registry itself, if it has reasonable grounds to believe that a violation of this chapter has occurred the registry shall initiate action and notify the attorney general or the appropriate commonwealth's attorney of the suspected violation.

Section 4. KRS 123.075 is amended to read as follows:

(1) Each committee organized, in whole or in part, for the purpose of furthering a political candidacy, *and any committee that advocates or opposes a constitutional amendment or a public question and anticipates receiving contributions or making expenditures during a calendar year in an aggregate amount exceeding $1,000* shall register with the registry, by filing official notice of intention at the time of organization, giving names and addresses and positions of the officers of the organization and designating the candidate or candidates *or question* it is organized to support *or oppose* on forms prescribed by the registry.

(2) All provisions of KRS 123.005 and 123.051 to 123.101 governing the duties and responsibilities of a candidate or campaign treasurer shall apply to a registered committee.

(3) The chairman of a committee and the campaign treasurer shall be separate persons.

Section 5. KRS 123.086 is amended to read as follows:

(1) State and county executive committees shall make a full report, upon a prescribed form, to the registry, of all money, loans or other things of value, received from any source since the date of the last report, including the name and address, *and occupation* of each person or group contributing *in excess of $100* [more than $500], the amount contributed by each and the date of the contribution, and a complete statement of all expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name and address of each person to whom an expenditure is made in excess of $50 and the amount, date and purpose of each expenditure. This report shall be made to the registry within thirty (30) days after the regular primary and general elections.

(2) Each campaign treasurer of a candidate or campaign committee shall make a full report, upon a prescribed form, to the registry, of all money, loans or other things of value, received by him from any source, since the date of the last report, including the name and address, *and occupation* of each person or group contributing *in excess of $100* [more than $500], the amount contributed by each and the date of the contribution, and a complete statement of all expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name and address, *and occupation* of each person to whom an expenditure is made in excess of $50, and the amount, date and purpose of each expenditure.

(a) Reports of *all* candidates [for the congress of the United States, all statewide offices, judge of the Court of Appeals, circuit judge, commonwealth's attorney, circuit court clerk, and the Kentucky general assembly] and their campaign committee shall be made:

1. On the *thirty-second* [thirtieth] day preceding an election, including all previous contributions and expenditures.

2. On the *twelth* [tenth] day preceding the date of the election.

3. Within thirty (30) days after the election.

(4) Candidates shall have five days from each filing deadline to file their reports with the registry.

[(b) Reports of candidates for other offices covered under KRS 123.051 and their campaign committees shall be made:

1. On the tenth day preceding the election.

2. Within thirty (30) days after the election.]

(3) In making the preceding reports, proceeds from the sale of tickets for events such as *testimonial affairs,* dinners, luncheons, rallies and similar fund raising events, mass collections made at such events, and sales of items such as campaign pins, buttons, hats, ties, literature and similar materials, the total gross receipts from each category shall be listed. *When the aggregate purchases of any item enumerated above exceeds $100, the purchaser shall be identified by name, address and occupation and the amount purchased shall be reported to the registry. When the net proceeds of a fund raising event exceeds the sum of $1,500, such sales shall be reported to the registry by name, address and occupation of the purchaser and the amount purchased. Such lists shall be maintained by the campaign treasurer or other sponsor for inspection by the registry for four years following the date of the election.* [Such sales to any individual, corporation, organization or association exceeding $500 shall be reported, including the date of purchase, the name and address of the purchaser and the amount purchased.]

(4) If the final statement shows an unexpended balance of contributions, continuing debts and obligations, or an expenditure deficit, the campaign treasurer shall file with the registry a supplemental statement of contributions and expenditures not more than 30 days after the deadline for filing the final statement, and every 60 days after the deadline for filing the first supplemental statement, an additional supplemental statement of contributions and expenditures. Subsequent supplemental statements shall be filed quarterly thereafter until the account shows us unexpended balance, continuing debts and obligations, expenditures, or deficit. A candidate does not have to file supplemental reports if the debt is the candidate's personal note.

(5) [(4)] *All reports filed under the provisions of this chapter shall be a matter of public record open to inspection by any member of the public immediately upon receipt of the report by the registry.* [All reports required by KRS 123.005 and 123.051 to 123.101 shall be open to the public for inspection.] *A duplicate copy of each report filed with the registry shall be filed with the county court clerk in the county in which the candidate resides at the same time. County court clerks shall maintain these reports for public inspection for a period of one (1) year from the date the last report is required to be filed.*

(6) [(5) If a candidate is unopposed in a primary or general election after the time prescribed by law for qualifying for nomination or election to the office, *he is still obligated to* [then his obligation] to file the reports required by KRS 123.005 and 123.051 to 123.101. [shall cease, but he may continue to file such reports voluntarily if he so chooses. A candidate is considered unopposed if no opposing candidate is to be listed on the official ballot.] A candidate who is opposed but receives no contribution or makes no expenditures shall so report on the dates designated in this section, and file all reports required by KRS 123.005 and 123.051 to 123.101.

(7) [(6)] Copies of those reports required to be filed by or on behalf of a candidate for the Congress of the United States pursuant to Title III of the Federal Election Campaign Act of 1971 shall be filed with the Registry on the dates prescribed in said Act in lieu of the reporting requirements of this section, subject to the penalties set forth in KRS 123.991.

Section 6. KRS 123.101 is amended to read as follows:

The registry is required by KRS 123.005 and 123.051 to 123.101 to securely keep all reports filed for *one year past the term of the office for which the report has been filed* [two (2) years]. Duly certified reports shall be admissible as evidence in any state court.

SB 345, AN ACT relating to elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 124 is created to read as follows:

(1) Any unauthorized person found in possession of any key to a voting machine to be used or being used in any primary, general or special election shall be fined not less than $25 nor more than $500 and

imprisoned in the county jail for not more than six months.

(2) Any person who, during or before any primary, general or special election wilfully tampers with or attempts to tamper with, disarrange, deface or impair in any manner whatsoever, injures or destroys any ballot label, or destroys any such voting machine while in use at an election or at any other time, or who shall, after such machine is locked and sealed in order to preserve the record of the vote, tampers with or attempts to tamper with the record of the vote, or who aids or abets with intent to destroy or change the record of the vote shall be punished by a fine of not more than $10,000 and imprisoned in the penitentiary for not less than one year nor more than five years.

(3) Any election official, or other person entrusted with the custody or control of any voting machine who, with intent to cause or permit any voting machine to fail to correctly register votes cast thereon, tampers with or disarranges such machine in any way, unlawfully opens such voting machine, prevents or attempts to prevent the correct operation of such voting machine or causes such voting machine to be used or consents to its being used for any election with knowledge of the fact that the machine is not in order, or not perfectly set and adjusted to correctly register all votes cast thereon, or removes, changes or mutilates any ballot label on a voting machine shall be punished by a fine of not more than $10,000 and imprisoned in the penitentiary for not less than one year nor more than five years.

Section 2. KRS 124.180 is amended to read as follows:

(1) Any person who, during an election, knowingly and wilfully removes or attempts to remove a *special* ballot from the election room, or has in his possession outside the election room any *special* ballot, either genuine or counterfeit, shall be imprisoned in the penitentiary for not less than two (2) years nor more than five (5) years.

(2) Any voter who attempts to leave the election room with a *special* ballot in his possession shall at once be arrested on demand of either of the judges of election and shall be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100).

(3) Any person who takes or removes in any manner, feloniously or with the consent or permission of the custodian, any *special* [official] ballot from any place where it may lawfully be, or knowingly and wilfully has in his possession or custody any such *special* ballot except as an officer or custodian under the law or while within the polling place for the purpose of voting, and any custodian or officer who permits any *special* ballot to be removed or carried away from the place where it may lawfully be by any person other than the officer or custodian whose duty it is to receive it, shall be imprisoned in the penitentiary, for not less than three (3) years nor more than ten (10) years.

(4) Any election officer, or other person entrusted with the custody or control of any *special* ballot, either before or after it has been voted, who in any way marks, mutilates or defaces any *special* ballot or places any distinguishing mark thereon, for the purpose of vitiating the *special* ballot, shall be fined not more than two thousand dollars ($2,000) and imprisoned in the penitentiary for not less than five (5) years nor more than ten (10) years.

(5) Any person who unlawfully destroys or attempts to destroy any *special* ballot box used, or any *special* ballot deposited, at any election, or who unlawfully, by force, fraud or other improper means, obtains or attempts to obtain possession of any ballot box or any *special* ballot therein deposited, while the voting at any election is going on or before the *special* ballots are duly taken out and counted according to law, shall be confined in the penitentiary for not less than one (1) year nor more than five (5) years, and fined not less than fifty dollars ($50.00) nor more than one thousand dollars ($1,000).

(6) Any election officer who mutilates or tampers with any of the seals, or destroys or removes any *special* ballots required to be preserved, shall be confined in the penitentiary for not less than one (1) year nor more than three (3) years.

(7) Any county clerk who knowingly and wilfully opens any ballot box and removes any *special* ballot therefrom, or removes, destroys or tampers with a ballot box and *special* ballots left in his care and custody, or permits any other person to do so, during the period the boxes are required to remain locked in his office, shall be confined in the penitentiary for not less than one (1) year nor more than three (3) years.

(8) Any person who removes, mutilates or destroys, or adds any new *special* ballots to, the regular *special* ballots that have been counted and prepared for preservation, or that have already been preserved, so that the result of the election in the precinct or county is changed, shall be confined in the penitentiary for not less than one (1) year nor more than three (3) years.

(9) Any person who tampers with or changes the *special* ballots, or opens the receptacles in which the *special* ballots are contained without the order of the court, after the ballots have been sent to the Franklin County courthouse in connection with the contest of a constitutional amendment, shall be fined not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000), and imprisoned in the county jail for not less than six (6) months nor more than one (1) year.

The Committee on Labor and Industry reported **SB 289** and **SR 34** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent

Calendar.

SB 289, AN ACT relating to the payment of wages.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 337 is created to read as follows:

Any employe who leaves or is discharged from his employment shall be paid in full all wages or salary earned by him; not later than the next normal pay period following the date of dismissal or voluntary leaving or fourteen days following such date of dismissal or voluntary leaving whichever last occurs. Any employe who is absent at the time fixed for payment by an employer, or who, for any other reason, is not paid at that time, shall be paid thereafter at any time or upon fourteen days' demand. No employer shall, by any means, secure exemption from this section.

Section 2. A new section of KRS Chapter 337 is created to read as follows:

Any employer who violates Section 1 of this Act shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense and shall make full payment to the employe by reason of said violation. Each failure to pay an employe the wages as required by Section 1 shall constitute a separate offense.

SR 34, A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the workmen's compensation law of Kentucky as it relates to recently discovered occupational diseases.

WHEREAS, the unfortunate deaths of five Louisville chemical workers have recently been attributed to angiosarcoma, a rare liver cancer; and

WHEREAS, the cause of these untimely deaths has been determined to be the inhalation by these workers of vinyl-chloride fumes at their place of employment; and

WHEREAS, other employees who worked under those same hazardous conditions and may have contracted the disease have subsequently been transferred to other positions at the B. F. Goodrich plant; and

WHEREAS, in our increasingly complex industrial society, many new diseases are evolving from substances, the dangers of which are unknown; and

WHEREAS, the occupational disease section of Kentucky's workmen's compensation law was enacted at a time when society was unaware of these dangers;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the Legislative Research Commission is hereby directed to study the occupational disease section of the Kentucky workmen's compensation law as it relates to newly discovered diseases, with particular reference given to the statute of limitations applicable to bringing actions to recover for such disease related disability.

Section 2. That the Legislative Research Commission report its findings together with any recommendations it may make to the 1976 Regular Session of the General Assembly.

Section 3. The estimated cost of this study is $3,000.

The Committee on Public Utilities and Transportation reported **SB 216** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

SB 216, AN ACT relating to motor vehicle registration.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 186.235 is amended to read as follows:

(1) Any motor vehicle not previously registered in this state shall not be registered by the county clerk unless such vehicle shall have been inspected by the sheriff or his deputy of the county in which the motor vehicle is required by law to be registered if that county contains a city of the first or second class, or by a city or county peace officer of the county in which the vehicle is required by law to be registered in other counties of the state. Such inspection officer shall make a record of inspection on forms prescribed by the department. The applicant shall pay the inspection officer a fee of *three dollars ($3.00)* [one dollar ($1.00)] for making the inspection.

(2) New motor vehicles sold by a dealer licensed in this state and motor vehicles required to be registered under subsections (3) through (13) of KRS 186.050 in this state by reason of lack of reciprocity pursuant to reciprocity agreements with other jurisdictions, may be registered by the county clerk without having been inspected.

(3) If inspection is required under this section, it may be made in another county or state as long as the proper officer referred to in subsection (1) of this section makes the inspection.

(4) Motor vehicles owned by servicemen or servicewomen who are residents of Kentucky stationed outside of Kentucky, may be inspected by the post provost or similar officer of the camp, post or station. The post provost or similar officer shall submit an affidavit stating the name of the owner, the identification or serial number, the make, body style, current license or title number, if any, and state in which currently registered or title, if any, of the motor vehicle.

(5) Motor vehicles operated by a motor carrier under a certificate or permit issued by the department of motor transportation shall not be required to be inspected prior to registration.

The Committee on State Government reported **HR 100** with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HR 100, A RESOLUTION to commend the 105th Congress of the American Correctional Association which will meet in Louisville, August 17 to 21, 1975.

WHEREAS, the citizens of Kentucky and the United States share with the delegates and members of the American Correctional Association a common concern about the occurrence of crime and violence in the United States; and

WHEREAS, there is also concern about the alleviation of the causes of crime and violence through the change in conduct of known criminal offenders to make our society safe and law abiding; and

WHEREAS, the members of the Affiliated Bodies of the American Correctional Association are dedicated to developing and implementing programs which effect the rehabilitation and redirection of criminal offenders; and

WHEREAS, the annual Congress of Corrections affords a forum for the exchange of ideas and formulation of new concepts in the correctional area and provides an opportunity for increasing the public understanding in this vital social area; and

WHEREAS, the Affiliated Bodies of the American Correctional Association will hold their annual National Congress in the City of Louisville, County of Jefferson, in the great Commonwealth of Kentucky on August 17 to 21, 1975;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the members express their appreciation for the work of the American Correctional Association.

Section 2. That we do hereby welcome the members and delegates to the 105th Congress of Corrections and express our hope, in behalf of all Kentuckians, that their deliberations will establish new directions and success for correctional programs of the future.

The Committee on State Government reported **HR 74** with the expression of opinion that the same should pass. Ordered delivered to the Committee on Rules.

The Committee on State Government reported **SB 199, SB 84,** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Recommended Consent Calendar.

SB 199, AN ACT relating to school holidays.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 158.060 is amended to read as follows:

Twenty (20) school days, or days in which teachers are actually employed in the schoolroom, shall constitute a school month in the common schools. The legal holidays designated by the state board of education to be observed *may include the first Tuesday after the first Monday in November of each year and* shall be counted as school days. No teacher shall teach on Saturdays except in cases of emergency and then only upon authorization of the state board of education. Six (6) hours of actual school work shall constitute a school day. The daily session, including recesses and intermissions, shall not exceed nine (9) hours. A pupil who is absent, excused or dismissed from any regularly scheduled class to attend not more than four (4) field trips in a school term may be considered in attendance on those days, if the field trip is part of a regularly scheduled class; Provided, however, That upon application of any district superintendent, the superintendent of public instruction or the state board of education may, if sufficient cause be shown, grant authority to use an additional day or days for special field trips or exceptional events.

SB 84, AN ACT relating to abortions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 311 is created to read as follows:

(1) No hospital or other health care facility shall be required to, or held liable for refusal to, perform or permit the performance of abortion contrary to its stated ethical policy. No physician, nurse staff member or employe of a hospital or other health care facility, who shall state in writing to such hospital or health care facility his objection to performing, participating in, or cooperating in, abortion on moral, religious or professional grounds, be required to, or held liable for refusal to, perform, participate in, or cooperate such abortion.

(2) It shall be an unlawful discriminatory practice for the following:

(a) Any person to impose penalties or take disciplinary action against, or to deny or limit public funds, licenses, certifications, degrees, or other approvals or documents of qualification to, any hospital or other health care facility due to the refusal of such hospital or health care facility to perform or permit to be performed, participate in, or cooperate in, abortion by reason of objection thereto on moral, religious or professional grounds, or because of any statement or other manifestation of attitude by such hospital or health care facility with respect to abortion; or,

(b) Any person to impose penalties or take disciplinary action against, or to deny or limit public funds, licenses, certifications, degrees, or other approvals or documents of qualification to any physician, nurse or staff member or employe of any hospital or health care facility, due to the willingness or refusal of such physician, nurse or staff member or employe to perform or participate in abortion by reason of objection thereto on moral, religious or professional grounds, or because of any statement or other manifestation of attitude by such physician, nurse or staff member or employe with respect to abortion; or,

(c) Any public or private agency, institution or person, including a medical, nursing or other school, to deny admission to, impose any burdens in terms of conditions of employment upon, or otherwise discriminate against any applicant for admission thereto or any physician, nurse, staff member, student or employe thereof, on account of the willingness or refusal of such applicant, physician, nurse, staff member, student or employe to perform or participate in abortion by reason of objection thereto on moral, religious or professional grounds, or because of any statement or other manifestation of attitude by such person with respect to abortion if that health care facility is not operated exclusively for the purposes of performing abortions.

The Committee on State Government reported **SB 242, SB 244,** with Committee Amendment attached thereto, **SB 294, SB 331, SB 332, HCR 103, SB 233,** and **SB 78** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 242, AN ACT relating to environmental protection.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 224.005 is amended to read as follows:

As used in this chapter unless the context clearly indicates otherwise:

(1) "Air contaminant" includes smoke, dust, soot, grime, carbon, or any other particulate matter, radioactive matter, noxious acids, fumes, gases, odor, vapor, or any combination thereof;

(2) "Air contaminant source" means any and all sources of emission of air contaminants, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops, and stores, and heating and power plants and stations, buildings and other structures of all types, including single and multiple family residences, apartments, houses, office buildings, public buildings, hotels, restaurants, schools, hospitals, churches, and other institutional buildings, automobiles, trucks, tractors, buses and other motor vehicles, garages and vending and service locations and stations, railroad locomotives, ships, boats and other waterborne craft, portable fuel-burning equipment, incinerators of all types (indoor and outdoor), refuse dumps and piles, and all stack and other chimney outlets from any of the foregoing;

(3) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is or threatens to be injurious to human, plant, or animal life, or to property, or which unreasonably interfere with the comfortable enjoyment of life or property;

(4) "Cesspool" means a cavity in the ground which receives human excrement and domestic wastes to be partially absorbed directly by the surrounding soil;

(5) "Commission" means the environmental quality commission;

(6) "Commissioner" means the commissioner of environmental protection;

(7) "Department" means the department of environmental protection;

(8) "District" means an air pollution control district as provided for in KRS chapter 77;

(9) "Effluent limitations" means any restrictions or prohibitions established under State law which includes, but is not limited to, effluent limitations, standards of performance for new sources, and toxic effluent standards on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged into waters;

(10) [(9)] "Person" means any individual, public or private corporation, political subdivision, government agency, municipality, copartnership, association, firm, trust, estate, or other entity whatsoever;

(11) "Publicly owned treatment works" means any facility for the treatment of pollutants owned by the State, any political subdivision thereof, municipality, or other public entity;

(12) "Schedule of compliance" means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with any limitation or standard;

(13) [(10)] "Seepage pit" means a dry well, leaching pit or any other cavity in the ground which receives the liquid discharge of a septic tank;

(14) [(11)] "Septic tank" means a septic toilet, chemical closet and any other watertight enclosure used for storage and decomposition of human excrement and domestic wastes;

(15) [(12)] "Sewage system" means individually or collectively those constructions or devices used for collecting, pumping, treating, and disposing of liquid or waterborne sewage, industrial wastes or other wastes;

(16) [(13)] "Solid waste" means all putrescible and nonputrescible refuse in solid form. Solid waste includes but is not limited to garbage, rubbish, ashes, incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid commercial and industrial wastes, and special wastes including explosives, pathological wastes and radioactive materials;

(17) [(14)] "Solid waste disposal site or facility" means any place at which solid waste is disposed of by incineration, landfilling or any other method;

(18) [(15)] "Tank" means any container when placed on a vehicle to carry in transport wastes removed from a septic tank, cesspool or seepage pit;

(19) [(17)] "Water" or "waters of the commonwealth" means and includes any and all rivers, streams, creeks, lakes, ponds, impounding reservoirs, springs, wells, marshes and all other bodies of surface or underground water, natural or artificial, situated wholly or partly within or bordering upon the commonwealth or within its jurisdiction; [.]

(20) [(16)] "Water pollution" means the alteration of the physical, thermal, chemical, biological, or radioactive properties of the waters of the commonwealth in such a manner, condition, or quantity that will be detrimental to the public health or welfare, to animal or aquatic life or marine life, to the use of such waters as present or future sources of public water supply or to the use of such waters for recreational, commercial, industrial, agricultural or other legitimate purposes. [;]

Section 2. KRS 224.033 is amended to read as follows:

In addition to any other powers and duties vested in it by law, the department shall have the authority, power, and duty to:

(1) Exercise general supervision of the administration and enforcement of Acts 1972, (1st ex. ses.), ch. 3, and all rules, regulations and orders promulgated thereunder;

(2) Prepare and develop a comprehensive plan or plans related to the environment of the commonwealth;

(3) Encourage industrial, commercial, residential and community development which provides the best usage of land areas, maximizes environmental benefits and minimizes the effects of less desirable environmental conditions;

(4) Develop and conduct a comprehensive program for the management of water, land, and air resources to assure their protection and balance utilization consistent with the environmental policy of the commonwealth;

(5) Provide for the prevention, abatement, and control of all water, land, and air pollution including but not limited to that related to particulates, *pesticides,* gases, dust, vapors, noise, radiation, odor, nutrients, heated liquid, or other contaminants;

(6) Provide for the control and regulation of strip mining and reclamation in a manner to accomplish the purposes of KRS chapter 350.

(7) Secure necessary scientific, technical, administrative, and operational services, including laboratory facilities, by contract or otherwise;

(8) Collect and disseminate information and conduct educational and training programs relating to the protection of the environment;

(9) Appear and participate in proceedings before any federal regulatory agency involving or affecting the purposes of the department;

(10) Enter and inspect any property or premises for the purpose of investigating either actual or suspected sources of pollution or contamination or for the purpose of ascertaining compliance or noncompliance with Acts 1972, (1st ex. ses.), ch. 3, or any rule or regulation which may be promulgated thereunder;

(11) Conduct investigations and hold hearings and compel the attendance of witnesses and the production of accounts, books and records by the issuance of subpoenas;

(12) Accept, receive, and administer grants or other funds or gifts from public and private agencies including the federal government for the purpose of carrying out any of the functions of the department. Such funds received by the department shall be deposited in the state treasury to the account of the department;

(13) Request and receive the assistance of any state or municipal educational institution, experiment station, laboratory, or other agency when it is deemed necessary or beneficial by the department in the performance of its duties.

(14) Advise, consult, and cooperate with other agencies, of the commonwealth, other states, the federal government, and interstate and interlocal agencies, and affected persons, groups and industries;

(15) Formulate guides for measuring presently unidentified environmental values and relationships so they can be given appropriate consideration along with social, economic, and technical considerations in decision making;

(16) Monitor the environment to afford more effective and efficient control practices, to identify changes and conditions in ecological systems and to warn of emergency conditions;

(17) Adopt, modify or repeal with the recommendation of the commission any standard, rule, regulation or plan specified in subsections (5) and (6) of KRS 224.045.

(18) Issue, after hearing, orders abating activities in violation of this chapter, or the provisions of Acts 1972, (1st ex. ses.), ch. 3, or the regulations promulgated pursuant thereto and requiring the adoption of such remedial measures as the department may deem necessary;

(19) Issue, continue in effect, revoke, modify, *suspend* or deny under such conditions as the department may prescribe, permits *to* [for the] discharge [of any sewage, industrial wastes or other wastes,] into any waters of the commonwealth, and for the installation, alteration, expansion, or operation of any sewage system; the installation, alteration, or use of any machine, equipment, device or other article that may cause or contribute to air pollution or is intended primarily to prevent or control the emission of air pollution; or the establishment or construction and the operation or maintenance of solid waste disposal sites and facilities; and require that applications for such permits be accompanied by plans, specifications, and such other information as the department deems necessary;

(20 May establish, by regulation, a fee or schedule of fees for the cost of processing applications for permits authorized by KRS Chapter 224, and for the cost of processing applications for exemptions or partial exemptions which may include but not be limited to the administrative costs of a hearing held as a result of such exemption application, except that applicants for existing or proposed publicly owned facilities shall be

exempt from any such charge.

(21) May require for persons discharging into the waters of the Commonwealth, by regulation, order or permit, technological levels of treatment and effluent limitations.

(22) [(20)] Require, by regulation, that any person engaged in any operation regulated pursuant to this chapter install, maintain, and use at such locations and intervals as the department may prescribe any equipment, device or *test and the methodologies and procedures for the use of such equipment, device or test* [method] to monitor the nature and amount of any substance emitted or discharged into the ambient air or waters of the commonwealth and to provide any information concerning such monitoring to the department in accordance with the provisions of subsection (21) of this section.

(23) [(21)] Require by regulation that any person engaged in any operation regulated pursuant to this chapter file with the department reports containing information as to location, size, height, rate of emission or discharge, and composition of any substance discharged or emitted into the ambient air or into the waters of the commonwealth, and such other information as the department may require; and

(24)[(22)] Perform such other and further acts as may be necessary to carry out the duties and responsibilities herein described.

Section 3. A new section of KRS Chapter 224 is created to read as follows:

(1) The department may issue federal permits pursuant to 33 USC 1342(b) of the Federal Water Pollution Control Act (33USC 1251, et. seq.) subject to the conditions imposed in 33 USC 1342(b) (6) and 1342(d).

(2) The department may certify pursuant to 33 USC 1341 that applicants for a federal permit for the construction or operation of facilities which may result in a discharge into the waters of the Commonwealth will comply with the applicable provisions of the Federal Water Pollution Control Act (33 USC 1251, 35. seq.).

(3) The department shall not undertake either of the actions authorized in (1) or (2) of this Section unless the Governor of the Commonwealth has determined that such activity will be in the best interests of the environment and the people of the Commonwealth.

Section 4. KRS 224.060 is amended to read as follows:

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any *substance* [sewage, industrial wastes or other wastes] that shall cause or contribute to the pollution of the waters of the commonwealth in contravention of the standards adopted by the department or in contravention of any of the rules, regulations or orders of the department or in contravention of any of the provisions of this chapter.

Section 5. KRS 224.071 is amended to read as follows:

Notwithstanding any inconsistent provisions of law, whenever the commissioner finds, after investigation, that any person or combination of persons is causing, engaging in or maintaining a condition or activity which, in his judgment, presents *a* [an imminent] danger to the health or welfare of the people of the state or results in or is likely to result in [irreversible or irreparable] damage to natural resources, and relates to the prevention and abatement powers of the commissioner and it therefore appears to be prejudicial to the interests of the people of the state to delay action until an opportunity for a hearing can be provided, the commissioner may, without prior hearing, order such person or combination of persons by notice, in writing wherever practicable or in such other form as in the commissioner's judgment will reasonably notify such person or combination of persons whose practices are intended to be proscribed, to discontinue, abate or alleviate such condition or activity, and thereupon such person or combination of persons shall immediately discontinue, abate or alleviate such condition or activity. As soon as possible thereafter, not to exceed ten (10) days, the commissioner shall provide the person or combination of persons an opportunity to be heard and to present proof that such condition or activity does not violate the provisions of this section. The commissioner shall adopt any other appropriate rules and regulations prescribing the procedure to be followed in the issuance of such orders. The commissioner shall immediately notify the governor of any order issued pursuant to this section.

Section 6. A new section of KRS Chapter 224 is created to read as follows:

Notwithstanding the provisions of KRS 424.130, the department may publish advertisements in conformance with the requirements of an applicable federal law or federal regulation. However, if the federal law or regulation requires the department to publish an advertisement more than 60 days in advance of the occurrence of an act, opportunity or event specified in KRS 424.130, the department shall publish one additional advertisement within the time period required by KRS 424.130.

Section 7. A new section of KRS Chapter 224 is created to read as follows:

(1) The department may require that any applicant for a grant under Title II of The Federal Water Pollution Control Act (33 USC 1251, et. seq.) shall adopt and maintain a system of charges in keeping with section 1284(b) and to establish a special account as set forth in section 1284(b) (3) of the Act.

(2) If an applicant for a Title II grant lacks statutory authority to conform with subsection (1) of this section, this section provides such statutory authority.

(3) If the system of charges required, under section 1284(b) of the Act, creates a significant incentive for industries discharging into publicly owned treatment works applying for a Title II grant to relocate in other areas of the Commonwealth, or if the system of charges required under section 1284(b) discourages publicly owned treatment works from seeking Title II grants, then the department may require that all publicly owned treatment works in the Commonwealth adopt and maintain a system of charges comparable to those required by section 1284(b) of the Act.

Section 8. A new section of KRS Chapter 224 is created to read as follows:

(1) Any person who violates KRS 224.060, 224.330 or who fails to perform any duties imposed by these sections, or who violates any determination or order of the department promulgated pursuant thereto shall be liable to a civil penalty not to exceed the sum of $5,000 for each day during which such violation continues, and in addition, may be enjoined from continuing such violations as hereinafter provided in this section.

(2) Any person who willfully violates KRS 224.060, 224.330 or any determination or order of the department promulgated pursuant to those sections which has become final shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $1,000 nor more than $10,000 or by imprisonment for a term of not more than one year or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

(3) Any person who violates any other provisions of this chapter other than KRS 224.060 and KRS 224.330 except as provided in KRS 224.992, or who fails to perform any duties imposed by those sections, or who violates any determination or order of the department promulgated pursuant thereto shall be liable to a civil penalty of not to exceed the sum of $1,000 for said violation and an additional civil penalty of not to exceed $1,000 for each day during which such violation continues, and in addition, may be enjoined from continuing such violations as hereinafter provided in this section.

Section 9. A new section of KRS Chapter 224 is created to read as follows:

(1) The penalties set forth in Section 9 of this Act may be recoverable in an action brought in the name of the Commonwealth of Kentucky by departmental counsel. In any such action any finding of the department shall be prima facie evidence of the fact or facts found therein.

(2) It shall be the duty of the Attorney General, upon the request of the department, to bring an action for the recovery of the penalties herein provided for, and to bring an action for an injunction against any person violating or threatening to violate any provision of this chapter, except as provided in KRS 224.992 or violating or threatening to violate any order or determination of the department promulgated pursuant thereto. In any such action any findings of the department shall be prima facie evidence of the fact or facts found therein.

(3) Nothing contained in KRS Chapter 224 shall abridge the right of any person to recover actual compensatory damages resulting from any violation of this chapter.

Section 10. A new section of KRS Chapter 224 is created to read as follows:

The Franklin Circuit Court shall hold concurrent jurisdiction and venue of all civil, criminal, and injunctive actions instituted by the department or by the Attorney General on its behalf for the enforcement of the provisions of KRS Chapter 224 or the orders, rules, and regulations of the department promulgated pursuant thereto.

Section 11. A new section of KRS Chapter 224 is created to read as follows:

In case of refusal to obey a subpoena issued to any person, the Franklin Circuit Court, upon application by the department, may issue to that person an order requiring him to appear before the department, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question; and any failure to obey the order of the court may be punished by the court as a contempt of court.

Section 12. KRS 224.993 is repealed.

SB 244, AN ACT relating to parking on capitol grounds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 42 is created to read as follows:

(1) The Commissioner of Finance shall, upon written request, allocate and reserve one parking space each, at the Capitol, for the State Treasurer; the Auditor of Public Accounts; the Secretary of State; the Attorney General; the Clerk of the Court of Appeals; the Judges of the Court of Appeals; and for members of the General Assembly when the assembly is in session or when Interim Committee meetings are in session.

The Lieutenant Governor shall be allocated five parking spaces at the Capitol and may assign them at his discretion. The Governor shall be allocated 21 parking spaces east of the Capitol Building and may assign them at his discretion. No other parking spaces in the vicinity of the Capitol shall be allocated or reserved for the exclusive use of any individual or groups of individuals, except that adequate spaces may be set aside and reserved for the use of physically handicapped persons.

(2) Nothing in this Act shall be construed to prohibit the Commissioner of Finance from taking reasonable, necessary, and appropriate action to maintain and insure a free and open traffic lane for the use of emergency or service vehicles at all times.

The Committee Amendment to **SB 244** is as follows:

Amend printed copy of Senate Bill 244, page 1, line 10, by inserting after the word "session." the following: "Two parking spaces shall be allocated to the Speaker of the House of Representatives."

and on page 2, after line 4, add a new section to read as follows:

"Section 2. A new section of KRS Chapter 42 is created to read as follows:

It is the intention of the General Assembly that, in so far as the provisions of this Act conflict with the provisions of House Bill 558 relating to regulations for the control of traffic on capitol grounds, the provisions of this Act shall prevail and supercede the provisions of House Bill 558."

SB 294, AN ACT relating to fire protection equipment sales, leasing, servicing, and testing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 227 is created to read as follows:

As used in this Act:

(1) "Firm" a firm is any person, partnership, corporation or association.

(2) "Hydrostatic Testing" means pressure testing by hydrostatic methods.

(3) "Fire Extinguisher" means a device that contains within it chemicals, fluids or gases for extinguishing fires, the means for application of its contents to that purpose, and includes fixed fire extinguishing systems.

(4) "Leased" for the purposes of this Act, a leased fire extinguisher shall be treated the same as an extingusher which has been sold.

(5) "Service and Servicing" servicing portable fire extinguishers includes any or all of the following: charging, filling, maintaining, recharging, refilling, repairing, and testing.

Section 2. A new section of KRS Chapter 227 is created to read as follows:

The administration of this Act is vested in the State Fire Marshal who shall have the power to issue the proper rules and regulations to administer this Act.

Section 3. A new section of KRS Chapter 227 is created to read as follows:

(1) Each firm engaged in the business of sale, leasing, or servicing fire extinguishers shall be required to have a certificate of registration issued by the State Fire Marshal.

(2) Each employe, other than an apprentice of a firm engaged in the business of sale, leasing, or servicing fire extinguishers, who sells, leases, or services such extinguishers shall be required to have a license issued by the State Fire Marshal.

(3) Each person selling, leasing, or servicing fire extinguishers as an apprentice shall be required to have an apprentice permit issued by the State Fire Marshal.

(4) Each firm performing hydrostatic testing of fire extinguishers manufactured in accordance with the specifications of the U.S. Department of Transportation (formerly the Interstate Commerce Commission) shall do so in accordance with the procedures specified by that department for compressed gas cylinders and shall be required to have a hydrostatic testing certificate authorizing such testing issued by the State Fire Marshal. Persons qualified to do this work shall be given such authority on their licenses.

Section 4. A new section of KRS Chapter 227 is created to read as follows:

No fire extinguisher shall be sold or leased in the Commonwealth of Kentucky unless it is approved, labeled or listed by a testing laboratory which is approved by the State Fire Marshal as qualified to test fire extinguishers.

Section 5. A new section of KRS Chapter 227 is created to read as follows:

(1) Except as provided in Section 9 of this Act, only the holder of a current and valid individual license or of an apprentice permit issued hereunder may sell, lease, or service fire extinguishers.

(2) A person who has been issued an individual license under this Act to sell, lease, or service fire extinguishers shall be an employe, agent, or servant of a firm that holds a certificate of registration, or the licensee himself shall hold a certificate of registration issued under this Act.

(3) In any firm engaged in selling, leasing, servicing, or hydrostatic testing of fire extinguishers not less than one, or not less than one half (which ever number is greater) of the employes actually engaged in the sale, leasing, servicing, or hydrostatic testing shall hold the individual license required by this Act. Clerical or other employes who never engage in the actual sale, leasing, servicing, or hydrostatic testing of fire extinguishers are exempt from calculations under the provisions of this section.

Section 6. A new section of KRS Chapter 227 is created to read as follows:

(1) Applications for licenses, permits, and certificates hereunder shall be made pursuant to regulations adopted by the State Fire Marshal as those regulations may from time to time be amended by it.

(2) The State Fire Marshal shall have the authority to conduct hearings or proceedings concerning the suspension, revocation or refusal of the issuance or renewal of licenses, apprentice permits, hydrostatic testing certificates, certificates of registration or approvals of testing laboratories issued under this Act or application therefor; to suspend, revoke, refuse to renew, or refuse to issue the same.

Section 7. A new section of KRS Chapter 227 is created to read as follows:

The State Fire Marshal shall exercise the following functions, powers and duties:

(1) To promulgate and administer such rules and regulations as it may determine necessary for the protection and preservation of life and property in controlling:

(a) the registration of firms engaging in the business of selling, leasing, or servicing fire extinguishers;

(b) the registration of firms engaging in the business of hydrostatically testing cylinders used for fire extinguishers;

(c) the examination of persons applying for a license to sell, lease, or service fire extinguishers;

(d) the licensing of persons to sell, lease, or service fire extinguishers;

(e) the requirements for selling, leasing, or servicing of fire extinguishers;

(2) To evaluate the qualifications of firms or individuals for a certificate of registration to engage in the business of selling, leasing, or servicing fire extinguishers.

(3) To conduct examinations to ascertain the qualifications and fitness of applicants for a license to sell, lease, or service fire extinguishers.

(4) To issue certificates of registration for those firms that qualify under these regulations to engage in the business of selling, leasing, or servicing fire extinguishers, and issue licenses, apprentice permits, and authority to perform hydrostatic testing to the qualified persons.

(5) To evaluate the qualifications of firms seeking approval as testing laboratories for fire extinguishers.

Section 8. A new section of KRS Chapter 227 is created to read as follows:

The State Fire Marshal may charge not more than the following fees for the conduct of examinations or the issuance of licenses under this Act:

(1) Certificate of registration ---------- $50
(2) Individual license ---------- $10
(3) Apprentice permit ---------- $5
(4) Hydrostatic testing certificate ---------- $50
(5) Combined certificate of registration and hydrostatic testing certificate ---------- $75
(6) Examination fee for individual license ---------- $10

Section 9. A new section of KRS Chapter 227 is created to read as follows:

(1) Certificates of registration, and individual licenses shall be valid for a period of one year from the date of issuance.

(2) Apprentice permits shall be valid for a period of 6 months from the date of issuance. No apprentice permit shall be renewed more than once.

Section 10. A new section of KRS Chapter 227 is created to read as follows:

The State Fire Marshal shall have the power to revoke, suspend, or deny renewal of any license or certificate of registration or apprentice certificate of person or firm violating the provisions of this Act or the regulations issued thereunder, whether or not a criminal sanction is sought.

Section 11. A new section of KRS Chapter 227 is created to read as follows:

(1) The provisions of this Act shall not apply to:

(a) The activity of filling, or charging a fire extinguisher prior to its initial sale by its manufacturer; or

(b) The activity of filling, charging, or otherwise servicing of a fire extinguisher by a fire department or volunteer fire department for its own use; or

(c) The activity of filling, charging, or otherwise servicing of a fire extinguisher by a rescue squad or volunteer rescue squad for its own use.

(d) The activity of filling, charging, or servicing a personally owned portable fire extinguisher by a private individual for his own use and not for others or for use in business. This subsection shall not apply to hydrostatic testing.

(2) All of the provisions of this Act shall apply to any fire department, volunteer fire department, rescue squad, or volunteer rescue squad which sells, leases, or services fire extinguishers for persons other than the department.

(3) The certificate of registration provisions of this Act shall not apply to any firm which services only its own fire extinguishers for its own use by maintaining its own fire extinguisher servicing facilities adequate for the purpose and utilizing its own personnel specially trained for such servicing and possessing either individual licenses or apprentice permits as required by this Act.

Section 12. A new section of KRS Chapter 227 is created to read as follows:

(1) No person or firm shall sell, lease, or service fire extinguishers without the certificate of registration, individual license, or apprentice permit required by this Act.

(2) No person or firm shall engage in the hydrostatic testing of fire extinguishers without the certificate of registration, individual license, hydrostatic testing certificate, or apprentice permit required by this Act.

(3) No person or firm shall obtain or attempt to obtain any license, certificate, or permit by fraudulent misrepresentation or by omission of any required information.

(4) No person or firm shall sell, lease, service or engage in hydrostatic testing of fire extinguishers in violation of this Act or of any of the rules or regulations issued thereunder.

Section 13. A new section of KRS Chapter 227 is created to read as follows:

(1) Any person or firm who violates any of the provisions of this Act or the regulations issued thereunder shall be fined not less than $50 nor more than $1,000 or be imprisoned in the county jail for not less than 10 days nor more than 60 days, or both. Each day of violation shall be considered a separate offense.

(2) Any officer of any firm who authorizes, directs, or permits an employe or agent of his firm to violate any of the provisions of this Act may be punished as an individual under subsection (1) of this section.

Section 14. A new section of KRS Chapter 227 is created to read as follows:

(1) All persons or firms currently engaged in activities requiring licensing under this Act shall obtain certificates of registration and hydrostatic testing certificates within 6 months of the effective date of this Act.

(2) All persons or firms currently engaged in activities requiring licensing under this Act shall obtain individual licenses, or apprentice permits within 1 year of the effective date of this Act.

SB 331, AN ACT relating to motor vehicles and the regulation thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 189.222 is amended to read as follows:

(1) The *Secretary of Transportation* [Commissioner of Highways] in respect to highways which are a part of the state-maintained system, by official order, may increase on designated highways or protions thereof, the maximum height, length and gross weight prescribed in KRS 189.221, if in the opinion of said *secretary* [commissioner], the increased heights, length and weight designated by him are justified by the strength, safety and durability of the designated highways, and said highways do not appear susceptible to unreasonable and unusual damage by reason of such increases and said *secretary* [commissioner] is authorized to establish reasonable classification of such roads and to fix a different maximum for each classification. *Provided, however, that any increase in the height, length or width or any motor truck or tractor semi-trailer combinations or any other vehicle combinations including any part of the body or load or designation of highways to be used by such vehicles, shall not, in any way, exceed the federal law or regulations thereunder or jeopardize the allotment or qualification for federal aid funds of the Commonwealth of Kentucky or* [However, in no event shall any motor truck or tractor semi-trailer combination, including any part of the body or load,] exceed the following dimensions and weights:

(a) Heights, 13 1/2 feet;

(b) Length, truck tractors and semi-trailers, 55 feet; motor trucks, 35 feet;

(c) Length, truck tractor, semi-trailer and trailer, 65 feet;

(d) A tolerance of not more than five percent shall be permitted before a carrier is deemed to have violated (b) of this subsection. In no event shall the maximum length exceed 65 feet;

(e) [(c)] Weight, *20,000* [18,000] pounds per single axle, with axles less than 42 inches apart to be considered as a single axle; *34,000* [32,000] pounds on two axles in tandem arrangement which are spaced 42 inches or more apart and less than 96 inches apart; *50,000* [48,000] pounds on three axles which are spaced 42 inches or more apart and less than 120 inches apart. In no event shall any single axle in any arrangement exceed *20,000* [18,000] pounds or 600 pounds per inch of the aggregate width of all the tires on a single axle, whichever is less. In no event shall the total gross weight of the vehicle and load exceed *82,000* [73,280] pounds;

(f) [(d)] A tolerance of not more than five percent per axle load shall be permitted before a carrier is deemed to have violated paragraph *(e)* [(c)] of this subsection. In no event shall the gross weight exceed *82,000* [73,280] pounds; [.]

(g) Truck tractor, semi-trailer and trailer combinations and other vehicle combinations may be operated only on those parts of the state-maintained system which has been designated by the Secretary of Transportation by official order as safely allowing same.

(2) *Vehicles* [Motor vehicle tractor and semi-trailer units] exclusively engaged in the transportation of motor vehicles, unmanufactured tobacco or unmanufactured tobacco products may, on those highways which are a part of the state-maintained system and which have been designated by the *Secretary of Transportation* [Commissioner of Highways] by official order as safely allowing same, attain *the following* [a] maximum lengths [of fifty-five feet] excluding the usual and ordinary bumper overhang of the transported vehicles; [.]

(a) Truck tractors and semi-trailers, sixty feet;

(b) Motor trucks and trailers, sixty-five feet.

(3) The *Secretary of Transportation* [Commissioner of Highways] may by order increase the weight and height limits prescribed by this chapter for motor vehicle while being operated exclusively on roads or highways being constructed, reconstructed or repaired under contract with the Department of *Transportation* [Highways] by the contractor or subcontractor, agent or employe thereof.

(4) Notwithstanding any other provisions of this chapter, in no event may the Secretary of Transportation authorize the operation of any motor vehicle or combination of motor vehicles, upon any part of the Interstate and National Defense Highway System, which exceeds the following dimension and weights:

(a) Width, 96 inches, including any part of the body or load;

(b) Weight, 18,000 pounds per single axle, with axles less than 42 inches apart to be considered as a single axle; 32,000 pounds on two axles in tandem arrangement which are spaced 42 inches or more apart and less than 96 inches apart; 48,000 pounds on three axles which are spaced 42 inches or more apart and less than 120 inches apart. In no event shall any single axle in any arrangement exceed 18,000 pounds or 600 pounds per inch of the aggregate width of all the tires on a single axle, whichever is less. In no event shall the total gross weight of the vehicle and load exceed 73,280 pounds; provided, however, in the event any federal law or laws or regulations thereunder are hereafter enacted authorizing weights and dimensions in excess of those set out in subsection (a) and (b) of this section, then the Secretary of Transportation may by official order increase the maximum weights and dimensions but in no event shall said increased weights and dimensions exceed those set out in Section 1.

Section 2. KRS 186.050 is amended to read as follows:

(1) The annual registration fee for motor vehicles, including taxicabs, airport limousines and U-Drive-Its, primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be $11.50.

(2) The annual registration fee for each motorcycle shall be $5.00, and for each sidecar attachment, $3.00.

(3) All motor vehicles except those mentioned in subsections (1) and (2), and those engaged in hauling passengers for hire, operating under certificates of convenience and necessity, are classified as commercial vehicles and the annual registration fee, except as provided in subsections (4) to (13), shall be as follows:

Declared Gross Weight of Vehicle and any Towed Unit	Registration Fee
0- 6,000	$ 11.50
6,001-10,000	24.00
10,001-14,000	30.00
14,001-18,000	50.00
18,001-22,000	132.00
22,001-26,000	160.00
26,001-32,000	216.00
32,001-38,000	300.00
38,001-44,000	474.00
44,001-*55,000*	*544.00*
55,001-62,000	588.00
62,001-73,280	750.00

73,281-82,000 *840.00*

(4) (a) Any farmer owning a truck having a gross weight of *30,000* [26,000] pounds or less may have it registered as a farmer's truck and obtain a license for $11.50. The applicant's signature upon the certificate of registration and ownership shall constitute a certificate that he is a farmer engaged solely in the production of crops, livestock or dairy products, that he owns a truck of the gross weight of *30,000* [26,000] pounds or less, and that during the next twelve months the truck will be used only in transporting persons, food, provender, feed, machinery, livestock, material and supplies necessary for his farming operation, and the products grown on his farm.

(b) Any farmer owning a truck having a declared gross weight in excess of *30,000* [26,000] pounds shall not be required to pay the fee set out in subsection (3) of this section and, in lieu thereof, shall pay 40% of the fee set out in subsection (3) hereof. The applicant's signature upon the registration receipt shall be considered to be a certification that he is a farmer engaged solely in the production of crops, livestock or dairy products, and that during the current registration year the truck will be used only in transporting persons, food, provender, feed and machinery used in operating his farm and the products grown on his farm, and the vehicle registered will not be operated more than fifty air miles from his farm.

(5) Any person owning a truck or bus used solely in transporting school children and school employes may have the truck or bus registered as a school bus and obtain a license for $11.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the schools of the district, that he has caused to be printed on each side of the truck or bus and on the rear door the words "School Bus" in letters at least six inches high and of a conspicuous color and the truck or bus will be used during the next twelve months only for the purpose stated.

(6) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for $11.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus", with the name of the church or religious organization owning and using the truck or bus, and that during the next twelve months the truck or bus will be used only for the purpose stated.

(7) Any person owning a motor vehicle on which a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted may register the vehicle and obtain a license for $11.50 by filing with the county clerk, in addition to other information required, an affidavit that a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted on such vehicle and that during the next twelve months the vehicle will be used only in automobile wrecker service.

(8) Motor vehicles having a declared gross weight in excess of 18,000 pounds, which when operated in this state are used exclusively for the transportation of property within the limits of the city named in the affidavit hereinafter required to be filed, or within ten miles of the city limits of the city if it is a city of the first, second, third, or fourth class, or within five miles of its limits if it is a city of the fifth or sixth class, shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay forty percent of the fee set forth in subsection (3) hereof. Nothing in this section shall be construed to limit any right of nonresidents to exemption from registration under any other provisions of the laws granting reciprocity to nonresidents. Operations outside of this state shall not be considered in determining whether or not the foregoing mileage limitations have been observed. When claiming the right to the reduced fee, the applicant's signature on the certificate of registration and ownership shall constitute a certification or affidavit stating that the motor vehicle when used within this state is used only for the transportation of property within the city to be named in the affidavit and the area above set out and that the vehicle will not be used outside of a city and the area above set out during the current registration period.

(9) Motor vehicles having a declared gross weight in excess of 18,000 pounds, which are used exclusively for the transportation of coal from the point at which such coal is mined to a railhead or tipple, where such railhead or tipple is located at a point not more than fifty air miles from the point at which such coal is mined, *or which are used exclusively for the transportation of primary forest products from the harvest area to a mill or other processing facility, where such mill or processing facility is located at a point not more than fifty (50) air miles from the harvest area,* shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay forty percent of the fee set out in subsection (3) hereof. The applicant's signature upon the certificate of registration and ownership shall constitute a certification that the motor vehicle will not be used during the current registration period in any manner other than that for which the reduced fee is provided in this section.

(10) Motor vehicles used exclusively for the transportation and delivery of motor vehicles, not including trailers and semitrailers, by means of the full amount or truckaway methods on trailers or semitrailers, shall pay an amount equal to three-fourths of the fee set out in subsection (3) hereof. Any applicant for such registration shall present to the county clerk a certification from the department that the

vehicle may be licensed in accordance herewith. No clerk shall issue registrations under this section without attaching a copy of the department's certification to the Department of Revenue copy of the certificate of registration and ownership.

(11) Any owner of a commercial vehicle registered for a declared gross weight in excess of 18,000 pounds, intending to transfer same and desiring to take advantage of the refund provisions of KRS 186.056 (2) may reregister such vehicle and obtain a "For Sale" certificate of registration and ownership for $1.00. Title to a vehicle so registered may be transferred, but such registration shall not authorize the operation or use of the vehicle on any public highway. No refund may be made under the provisions of KRS 186.056 (2) until such time as the title to such vehicle has been transferred to the purchaser thereof. Provided, however, that nothing herein shall be so construed as to prevent the seller of a commercial vehicle from transferring the registration of such vehicle to any purchaser thereof.

(12) The annual registration fee for self-propelled vehicles containing sleeping or eating facilities shall be $20.00 and the tag issued shall be designated "Housecar." Provided, however, that the foregoing shall not include any motor vehicle primarily designed for commercial or farm use having temporarily attached thereto any such sleeping or eating facilities, or any commercial vehicle having sleeping facilities.

(13) The registration fee on any vehicle registered under this section shall be increased fifty percent when such vehicle is not equipped wholly with pneumatic tires.

(14) (a) The Department of Motor Transportation is authorized to negotiate and execute an agreement or agreements with other jurisdictions for the purpose of developing and instituting proportional registration of motor vehicles engaged in interstate commerce, or in a combination of interstate and intrastate commerce, and operating into, through or within the Commonwealth of Kentucky. The agreement or agreements may be made on a basis commensurate with, and determined by, the miles traveled on, and use made of, the highways of this Commonwealth as compared with the miles traveled on and use made of highways of other states, or upon any other equitable basis of proportional registration. Notwithstanding the provisions of KRS 186.020, the department shall promulgate regulations concerning the registration of motor vehicles under any agreement or agreements made under this section and shall provide for direct issuance by it of evidence of payment of any registration fee required under such agreement or agreements. Any proportional registration fee required to be collected under any proportional registration agreement or agreements shall be in accordance with the taxes established in KRS 186.050.

(b) Any owner of a commercial vehicle who is required to register his motor vehicle under this section shall first register such vehicle with the county clerk pursuant to KRS 186.020 for a fee of $1.00. Title to a vehicle so registered may be transferred, but such registration shall not authorize the operation or use of the vehicle on any public highway. The department shall promulgate regulations in accordance with this section.

Section 3. KRS 186.650 is amended to read as follows:

As used in KRS 186.650 to 186.700:

(1) A "trailer" means any vehicle designed for carrying persons or property and being drawn by a motor vehicle being so constructed that no part of its weight rests upon the towing vehicle.

(2) "Semitrailer" means any vehicle designed for carrying persons or property and for being drawn by a motor vehicle and is so constructed that some part of its weight and some part of its load rests upon or is carried by another vehicle, *except that:*[.]

(a) "Semitrailer" shall not include any vehicle designed for carrying persons or property and being drawn by a motor vehicle registered according to the provisions of KRS 186.050 (4) (a) and used by a farmer only for transporting persons, food, provender, feed, machinery, livestock, material and supplies necessary for his farming operation and the products grown on his farm.

(3) "Housetrailer" means any vehicle used, or maintained for use, as a conveyance upon highways, designed and constructed in such a manner as will permit occupany thereof as a temporary dwelling, or as sleeping places for one or more persons, or the conduct of any business or profession, occupation or trade having no other foundation than wheels or jacks, and not being used in one location as a permanent dwelling.

(4) "Camping trailer" means any housetrailer less than twenty-five (25) feet in length and includes a trailer which may be expanded for camping purposes.

(5) "Department" means the department of [motor] transportation.

SB 332, AN ACT relating to weight limits for transporters of industrial materials.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 350.060 is amended to read as follows:

(1) No operator shall engage in strip mining without having first obtained from the department through the division a permit designating the area of land affected by the operation. The permit shall authorize the operator to engage in strip mining upon the area of land described in his application for a period of one year from the date of its issuance;

(2) An operator desiring a permit shall file an application which shall state:

(a) The location and area of land to be affected by the operation, with a description of access to the area from the nearest public highways;

(b) The owner or owners of the surface of the area of land to be affected by the permit and the owner or owners of all surface area within five hundred (500) feet of any part of the affected area;

(c) The owner or owners of the coal, to be mined;

(d) The source of the applicant's legal right to mine the coal on the land affected by the permit;

(e) The permanent and temporary post office addresses of the applicant;

(f) Whether the applicant or any person, partnership or corporation associated with the applicant holds or has held any other permits under this chapter, and an identification of such permits;

(g) Whether or not the applicant is in compliance with subsection (3) of KRS 350.130 and whether or not every officer, partner, director or any individual owning of record or beneficially (alone or with associates) if known, ten percent (10%) or more of any class of stock of the applicant, is subject to any of the provisions of subsection (3) of KRS 350.130 and he shall so certify;

(3) The application for a permit shall be accompanied by two copies of a United States geological survey topographic map on which the operator has indicated the location of the operation, the course which would be taken by drainage from the operation to the stream or streams to which such drainage would normally flow, the name of the applicant and date, and the name of the person who located the operation on the map;

(4) The application for a permit shall be accompanied by two copies of an enlarged United States geological survey topographic map meeting the requirements of the subsections below. The map shall:

(a) Be prepared and certified by a professional engineer, registered under the provisions of KRS chapter 322. The certification shall be in the form as provided in subsection (5) below;

(b) Identify the area to correspond with the application;

(c) Show adjacent deep mining and the boundaries of surface properties and names of owners on the affected area and within five hundred (500) feet of any part of the affected area;

(d) Be of a scale of not less than four hundred (400) feet to the inch and not to exceed six hundred and sixty (660) feet to the inch;

(e) Show the names and locations of all streams, creeks, or other bodies of public water, roads, buildings, cemeteries, oil and gas wells, and utility lines on the area of land affected and within five hundred (500) feet of such area;

(f) Show by appropriate markings the boundaries of the area of land affected, the cropline of the seam or deposit of coal to be mined, and the total number of acres involved in the area of land affected;

(g) Show the date on which the map was prepared, the north point and the quadrangle name;

(h) Show the drainage plan on and away from the area of land affected. Such plan shall indicate the directional flow of water, constructed drainways, natural waterways used for drainage, and the streams or tributaries receiving the discharge;

(5) The certification of the maps by the professional engineer shall read as follows: "I, the undersigned, hereby certify that this map is correct, and shows to the best of my knowledge and belief all the information required by the strip mining laws of this state." The certification shall be signed and notarized. The division may reject any map as incomplete if its accuracy is not so attested;

(6) The application for a permit shall be accompanied by a transportation plan which shall set forth the portions of the State Primary Road System, if any, over which the applicant proposes to transport minerals extracted in the mining operation. The transportation plan shall specify the legal weight limits for each portion of any such highway or bridge over which the applicant proposes to transport minerals. The transportation plan shall include any proposal by the applicant to obtain a special permit pursuant to the provisions of Section 4 of this Act to exceed the weight limits on any highway or bridge. The transportation plan shall contain a certification by a duly authorized official of the Department of Transportation attesting the accuracy of the transportation plan in regard to the locations and identities of highways and bridges on the State Primary Road System and the accuracy of the specifications of weight limits on such highways and bridges.

(7) [(6)] In addition to the information and maps required above, each application for a permit shall be accompanied by detailed plans or proposals showing the method of operation, the manner, time and distance for backfilling, grading work and a reclamation plan for the affected area, which proposals shall meet the requirements of this chapter and rules and regulations adopted pursuant thereto;

(8) [(7)] A basic fee of one hundred and fifty dollars ($150) plus thirty-five dollars ($35.00) for each acre or fraction thereof of the area of land to be affected by the operation shall be paid before the permit

required herein shall be issued. The operator shall file with the division a bond payable to the commonwealth of Kentucky with surety satisfactory to the division in the penal sum to be determined by the department on the recommendation of the director of not less than two hundred dollars ($200) nor more than one thousand dollars ($1,000) for each acre or fraction thereof of the area of land affected, with a minimum bond of two thousand dollars ($2,000), conditioned upon the faithful performance of the requirements set forth in this chapter and of the rules and regulations of the department. In determining the amount of the bond within the above limits, the department shall take into consideration the character and nature of the overburden, the future suitable use of the land involved and the cost of backfilling, grading and reclamation to be required. In a particular instance where the circumstances are such as to warrant an exception, the department, in its discretion, may reduce the amount of the bond for a particular operation to less than the required minimum.

Section 2. KRS 351.175 is amended to read as follows:

(1) Within forty-five days after January 1, 1953, and of each year thereafter, the owner, operator, or lessee of each mine shall procure from the department a license to operate such a mine, and such license shall not be transferable. Any owner, operator, or lessee who assumes control of a mine, opens a new mine or re-opens an abandoned mine during any calendar year shall procure such license before mining operations are begun.

(2) The license shall be in such printed form as the commissioner may prescribe and when issued shall be kept posted at a conspicuous place near the main entrance of the mine.

(3) Requests for such license shall be made to the department and such requests shall be accompanied by a U. S. postal money order or cashier's check drawn in favor of the State Treasurer in the amount of twenty-five dollars for each mine. When the annual report of the operator and the annual mine map, as required by KRS 351.170 and 352.450, together with a certification from the Commissioner of Labor that the applicant, except an applicant for a mine license who employs fewer than ten employes, for license has presented positive proof of compliance with the provisions of KRS Chapter 342, are properly submitted to the department, the license shall be issued. The commissioner or his accredited agents shall have the authority to extend the time for filing of the map not to exceed an additional forty-five days. Upon receipt of withdrawal of the certification of the Commissioner of Labor the department shall forthwith revoke any license hereunder issued. Revocation of said license shall be an administrative function of the department. Appeal of said administrative function shall lie in the Fayette Circuit Court.

(4) Any owner, operator or lessee operating a mine and who fails to obtain his license as required by this section shall be guilty of a misdemeanor, and shall be subject to a fine of not less than one hundred dollars nor more than three hundred dollars at the discretion of the court. Each day the mine is operated without a license constitutes a separate offense. Jurisdiction for such offenses shall lie in the circuit court of the county in which the offense occurred.

(5) The mine inspector shall have the authority to stop production at the mine of any operator who fails to procure a license or fails to furnish a certification of compensation coverage as required under this section.

(6) The application for a license shall be accompanied by a transportation plan which shall set forth the portions of the State Primary Road System, if any, over which the applicant proposes to transport minerals extracted in the mining operation. The transportation plan shall specify the legal weight limits for each portion of any such highway or bridge over which the applicant proposes to transport minerals. The transportation plan shall include any proposal by the applicant to obtain a special permit pursuant to the provisions of Section 4 of this Act to exceed the weight limits on any highway or bridge. The transportation plan shall contain a certification by a duly authorized official of the Department of Transportation attesting the accuracy of the transportation plan in regard to the locations and identities of highways and bridges on the State Primary Road System and the accuracy of the specifications of weight limits on such highways and bridges.

Section 3. A new section of KRS Chapter 189 is created to read as follows:

The Circuit Court where the offense occurred shall have concurrent venue and jurisdiction with the Courts of this Commonwealth of all prosecutions for violations of the weight provisions of KRS 189.221, 189.222, 189.226, 189.230, 189.270 and Section 4 of this Act.

Section 4. A new section of KRS Chapter 189 is created to read as follows:

(1) Notwithstanding any other provision of laws, the Department of Transportation may issue special permits to the owners, operators or lessees of motor vehicles for the purpose of hauling industrial materials whose gross weight, including vehicle and load, exceeds the limits prescribed by this chapter or which in other respects fail to comply with the requirements of this chapter. A separate permit shall be required for each vehicle. Such permits shall be issued for specified materials only and shall designate the portions of the State Primary Road System over which such vehicle may operate pursuant to the permit. Such permit shall be issued for a stated period of time not to exceed one year and shall be upon such terms and conditions as the department may, in its discretion, require in the public interest. The department shall require, as a condition to the issuance of the permit, that the applicant pay a reasonable fee, to be fixed by the department, and shall

require that an applicant convicted under provisions of KRS 189.990(2)(a) two or more times within a five-year period give bond, with approved surety, in an amount not to exceed $6,000 for each vehicle to indemnify the Commonwealth of Kentucky against damage to highways or bridges resulting from the operation of any motor vehicle under the authorization of such permit. The operation of any motor vehicle in accordance with the terms of any such permit shall not constitute a violation of this chapter, if the operator has the permit, or a copy of it, authenticated as the department may require, in his possession.

(2) The department shall not issue a permit under this Act for a vehicle whose gross weight, including vehicle and load, exceeds the maximum gross weight as provided in KRS 189.221(1), nor for any motor vehicle acquired by the applicant after the effective date of this Act.

(3) After the expiration of four years from the effective date of this Act, the department shall not issue a permit under this Act for a vehicle which does not comply with the axle weight and axle spacing requirements set forth in KRS 189.222(1)(c).

(4) No person shall operate a motor vehicle in violation of the terms and conditions of any permit issued by the department pursuant to this Act.

(5) As used in this Act, industrial materials shall mean all cargo, whether divisible or indivisible, which a motor vehicle transports in the usual and ordinary course of business and shall specifically include, but not be limited to, minerals or natural resources transported by a motor vehicle.

(6) The department is hereby empowered to:

(a) Exercise general supervision of the administering and enforcement of this Act.

(b) Adopt rules and regulations with respect to the issuance of a permit, including, but not limited to, rules and regulations concerning the duration of permits and weight limits for various types of vehicles, materials and highways.

(c) Adopt rules and regulations with respect to the amount, terms and conditions of the bond and the sufficiency of the surety of such bond required by this Act.

(d) Issue, continue in effect, revoke, modify or deny, under such conditions as the department may prescribe, permits provided for under this Act.

Section 5. KRS 189.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1), (2) and (5) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.290, 189.300 to 189.360, KRS 189.380, KRS 189.390, except paragraph (c) of subsection (4), KRS 189.400 to 189.430, 189.450 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, subsection (1) of KRS 189.560, KRS 189.570, to 189.630, except subsection (1) of KRS 189.580, shall be fined not less than $10.00 nor more than $100 for each offense. Any person who violates subsection (1) of KRS 189.580 shall be fined not less than $10.00 nor more than $2,000 or imprisoned in the county jail for not more than one (1) year, or both. Any person who violates paragraph (c) of subsection (4) of KRS 189.390 shall be fined not less than $1.00 nor more than $20.00. Neither court costs nor fees shall be taxed against any person convicted of violating paragraph (c) of subsection (4) of KRS 189.390.

(2) (a) Any person who violates the weight provisions of KRS 189.221, *189,222, 189,226, 189,230, 189.270 or Section 4 of this Act* [or subsection (1) of 189.222] shall, [be guilty of a misdemeanor, and] upon conviction, [thereof shall] be fined in an amount equal to two cents (2) per pound for each pound of excess load when the excess is 2,000 pounds or less, three cents (3) per pound when the excess exceeds 2,000 pounds and is 3,000 pounds or less, five cents (5) per pound when the excess exceeds 3,000 pounds and is 4,000 pounds or less, seven cents (7) per pound when the excess exceeds 4,000 pounds and is 5,000 pounds or less, and nine cents (9) per pound when the excess exceeds 5,000 pounds but in no case *shall the fine be less than $50.00 nor more than* $500 [to exceed].

(b) Any person who violates any provision of subsection (3) and (4) of KRS 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270, 189.280, or 189.490, for which another penalty is not specifically provided, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding $500.

(c) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to prejudice or affect the authority of the *Department of Transportation* [department of motor transportation] to suspend or revoke certificates of common carriers, permits of contract carriers, or driver's or chauffeurs' licenses, for any violation of KRS 189.221 to 189.228 or any other act applicable to motor vehicles, as provided by law.

(3) Any person who violates KRS 189.170 shall be fined not less than $5.00 nor more than $50 for each day he operates a truck in violation of KRS 189.170.

(4) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not more than $5.00.

(b) Any person who violates subsection (5) of KRS 189.190 shall be fined not less than $25.00 nor more than $200.

(5) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not less than $15.00 nor more than $100.

(b) Any peace officer who fails, when properly informed, to enforce KRS 189.210 shall be fined not less than $15.00 nor more than $100.

(c) All fines collected under this subsection, after payment of commissions to officers entitled thereto, shall go to the county road fund if the offense is committed in the county, or to the city street fund if committed in the city.

(6) Any person who violates subsection (1) of KRS 189.370 shall be fined not more than $500 or imprisoned for not more than six (6) months, or both.

(7) Any person who violates KRS 189.500 shall be fined not more than $5.00 in excess of the cost of the repair of the road.

(8) Any person who violates KRS 189.510 shall be fined not less than $10.00 nor more than $50.00.

(9) (a) Any person who violates subsection (2) of KRS 189.520 shall be fined, for the first offense, not less than $100 nor more than $500, and for each subsequent offense he shall be fined not less than $100 nor more than $500 and imprisoned for not more than six (6) months.

(b) Any peace officer who violates subsection (3) of KRS 189.520 shall be fined not less than $25.00 nor more than $100.

(10) Any person who violates KRS 189.530 shall be fined not less than $25.00 nor more than $100 or imprisoned not less than thirty (30) days nor more than twelve (12) months, or both.

(11) Any person who violates any of the provisions of KRS 189.550 shall be fined not less than $10.00 nor more than $100 for each offense.

(12) Any person who violates subsection (2) of KRS 189.560 shall be fined not less than $20.00 nor more than $100 for each offense.

(13) The fines imposed by paragraph (a) of subsection (4) and subsections (7) and (8) of this section shall, in the case of a public highway, be paid into the county road fund, and in case of a privately owned road or bridge be paid to the owner. These fines shall not bar an action for damages for breach of contract.

(14) Any person who violates any of the provisions of KRS 189.120 shall be fined not less than $10.00 nor more than $100 for each offense.

(15) Any person who violates any provision of KRS 189.575 shall, upon conviction thereof, be fined not exceeding $25.00.

(16) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than $10.00 nor more than $100 for each offense.

(17) (a) Any person who violates any of the provisions of KRS 189.565 shall be fined not less than $15.00 nor more than $200, or imprisoned for not more than thirty (30) days or both.

(b) In addition to the penalties prescribed in paragraph (a) of this subsection, in case of violation by any person in whose name such vehicle used in the transportation of inflammable liquids or explosives is licensed, such person shall be fined not less than $100 nor more than $500. Each violation shall constitute a separate offense.

(18) Any person who abandons a vehicle upon the right-of-way of a state highway for seven (7) consecutive days shall be fined not less than twenty-five (25) dollars nor more than one hundred (100) dollars or imprisoned for not less than ten (10) days nor more than thirty (30) days.

(19) Every person convicted for violation of KRS 189.393 shall be punished upon a first conviction by imprisonment for a period of not less than five days nor more than ninety days, or by fine of not less than $25 nor more than $500, or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than ten days nor more than six months, or by a fine of not less than $50 nor more than $1,000, or by both such fine and imprisonment.

Section 6. A new section of the Kentucky Revised Statutes is created to read as follows:

The General Assembly, in recognition of the additional statutory costs imposed on the Department of Transportation for the construction, reconstruction and maintenance of highways and bridges covered by transportation plans approved under the authority of this Act, does hereby declare that the construction, reconstruction and maintenance of such highways and bridges shall be a first priority statutory cost increase within the meaning of Part Six, 12(1) and Part Six, 13(1) of House Bill 288, 1974 Regular Session of the General Assembly and the Governor shall make allocations of surpluses appropriated to the General Contingency Fund to conform to the provisions of this Section.

HR 103, A CONCURRENT RESOLUTION urging Congress to enact legislation to establish a coordinated national program for the conversion of the United States from the use of the English system of weights and measures to the International Metric System.

WHEREAS, the United States is the only major industrial nation in the world that has not adopted the metric system as the principal system of measurement; and

WHEREAS, on the basis of a study authorized by Congress in 1968 to determine the advantages and the disadvantages of increased use of the International Metric System in the United States, it was concluded

that the United States should change to the International Metric System; and

WHEREAS, it was recommended that the transition be accomplished through a coordinated national program; and

WHEREAS, after adopting a plan for the nation, it was recommended that the Congress establish a target date ten years ahead, by which time the United States will have become predominately, though not exclusively, metric;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the General Assembly of the Commonwealth of Kentucky does hereby urge the Congress of the United States to enact legislation to establish a coordinated national program for the conversion from the English system of weights and measures to the International Metric System, and to establish a deadline of ten years in which to achieve metric conversion.

Section 2. That the Clerk of the House of Representatives is hereby authorized and directed to transmit an appropriate copy of this Resolution to each Senator and Representative from this Commonwealth in the Congress of the United States.

SB 233, AN ACT relating to financial disclosure.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS 61.710 to 61.780 is created to read as follows:

It is the policy of the Commonwealth of Kentucky that no officer of state or local government shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest. To implement this policy and to strengthen the faith and confidence of the citizens of the Commonwealth in their government at all levels, a public disclosure of financial interests and business relationships with government shall be observed by persons who in the performance of their official duties are responsible to the people of Kentucky.

Section 2. A new section of KRS 61.710 to 61.780 is created to read as follows:

Persons required to file information under the provisions of this Act shall file with the Kentucky Registry of Election Finance the following:

(1) The values of any interests required to be reported under this subsection need not be disclosed. Any entity required to be reported under this subsection need not be identified by name. Such entity may instead be identified by the principal types of economic activity in which it engages or the types of products or services manufactured or sold, together with such additional detail, as will fairly indicate its interest. Where disclosure is required because of legal services rendered to it, such entity may be described by the nature of the business activity and the type of legal services rendered to it. Persons required to file may, however, elect to identify by name and specific amount the entities and values of interests required to be disclosed by this subsection.

(a) A list of each business or professional corporation, firm or enterprise in which the subject individual and his spouse was an officer, director, partner, proprietor or employe, regardless of income received or equity held. Offices, directorships, or employment in political, religious, or charitable entities need not be reported if compensation of less than $1,000 per year is received.

(b) A list of all entities to whom the subject individual furnished compensated services valued at more than $1,000 during the period covered by the report. If the subject individual is self-employed or a professional engaged in the practice of law, medicine, accounting, engineering, architecture, banking, insurance or any other similar profession he shall list any entity which paid him a fee for continuing services greater than $5,000 during the period covered by the report, and any entity which has paid his firm fees for continuing services greater than $10,000 during the period covered by the report.

(c) A list of each entity of financial interest, direct or indirect, of a value of $1,000 or greater held by the person making the report, his spouse and dependent children, whether in the form of stocks, bonds, realty, equity or creditor interests in a corporation, proprietorship, partnership or otherwise. Exempted from this disclosure are interests in the form of accounts in banks, savings and loan associations, and credit unions or

lending institutions.

(d) A list of each liability, including the entity to whom owed, owed by the person making the report, or by him and his wife jointly, which is in excess of $2,500 as of the close of the period covered by the report.

(e) A list of each item of income or capital gain realized from a single source, each item of reimbursement for any expenditure, and each gift or aggregate of gifts from one source (other than gifts received from his spouse or any member of his immediate family) received by him or by him and his wife jointly during the period covered by the report which exceeds $1,000 in amount or value, including any fee or other honorarium received by him.

(2) Persons required to file information under the provisions of this Act shall also make specific disclosure of the following relationships or personal interests with government agencies. Entities or items of economic interest, including entities to whom the person reporting furnished compensated services, required to be reported by subection 1, for purpose of this subsection where applicable, shall be identified by name, address and value of the economic interest held by the person making the report.

(a) A list of all entities required to be reported by subsection 1 which have been affected, during the period covered by the report, or are likely to be affected by the action of the government agency in relation to which the person is required to file a report or by the action or vote of the person filing the report in his official capacity.

(b) A list of all entities which have petitioned or applied to a government agency for a license, permit, franchise or other privilege or have been a party to a ruling or adjudicatory decision by a government agency.

(c) Details of any contractual relationship with a government agency by the entities required to be reported in subsection 1, including the subject matter and the monetary consideration.

(d) Details of any transactions involving a monetary consideration with a government agency by the entities required to be reported in subsection 1, such details to include the subject matter and monetary consideration.

Section 3. KRS 61.710 is amended to read as follows:

[(1)] KRS 61.710 to 61.780 apply to members of the General Assembly;[,] officials elected statewide;[,] judges of the Court of Appeals;[,] circuit judges;[,] commonwealth's attorneys; *county judges; county attorneys; mayors of cities of the first and second class; chief executives of urban-county governments* and all candidates for all those offices;[,] department heads appointed under KRS 12.040;[,] [deputy department heads and] directors of divisions appointed under KRS 12.050;[,] and members of *state* [administrative] boards and commissions *which promulgate administrative regulations, perform adjudicatory functions, set rates or fees, grant or withhold licenses or permits, award compensation, or make determinations on construction or location of facilities financed in whole or part by state funds* [appointed under KRS 12.070]. KRS 61.710 to 61.780 also apply to a person appointed to a vacancy in an unexpired term of any office mentioned above.

[(2) KRS 61.710 to 61.780 also apply to:

(a) Any employe of a daily newspaper of 50,000 or more circulation published in Kentucky who either orally, or in writing contributes to the editorial policy of the newspaper; and

(b) Any employe of a radio or television station that is owned in common with a newspaper described above who directly or indirectly contributes to the editorial policy of the station.]

Section 4. KRS 61.720 is amended to read as follows:

As used in KRS 61.710 to 61.780, *unless the context requires otherwise*:

(1) "Dependents" means a person's natural, adopted, or stepchild if the person provided over fifty percent of the child's support during the period covered by the report.

[(1) "Financial interest" means an economic interest in the form of stocks, bonds, realty, equity or credit or interests in a corporation, proprietorship or partnership or otherwise.]

(2) "Government agency" shall include any legislative or executive body, office, post, department, committee, commission, board, institution created by law to exercise some sovereign power or perform some duty of state or local government, other than purely advisory powers or duties.

(3) "Government official" means any person holding any of the government offices or positions listed in KRS 61.710.

(4) "Period covered by the report" means the period from May 1 to April 30 of each year prior to the filing deadline for reports.

Section 5. KRS 61.730 is amended to read as follows:

Each person subject to KRS 61.710 to 61.780, while holding office or employment, shall file with the Kentucky Registry of Election Finance, by *May 1* [March 15] of each year, the written report required by KRS 61.740. Each person who is a candidate for any of the subject offices shall file with the Registry of Election Finance, within ten days after the filing deadline, the report required by KRS 61.740. Nothing in KRS 61.710 to 61.780 shall be construed to require the filing of more than one complete report for each subject individual each year, except that each individual shall, in writing, notify the Registry of Election Finance of the acquisition or termination of any interests subject to the requirements of KRS 61.710 to

61.780 by January 1 of each year. *Persons appointed to a vacancy in an unexpired term of any office subject to KRS 61.710 to 61.780 shall file the report required by KRS 61.740 within thirty (30) days of the date of the appointment or within thirty (30) days after the receipt of the registry's notice.*

Section 6. KRS 61.750 is amended to read as follows:

(1) Reports required by KRS 61.710 to 61.780 shall be filed with the Kentucky Registry of Election Finance and shall be public record, subject to inspection *at all reasonable times* by any citizen of the Commonwealth. Within thirty days after reports are due, the Registry of Election Finance shall publish a list of those persons who have filed reports, and shall notify any person required to file, who has failed to file such report, by registered mail of his failure to comply with KRS 61.710 to 61.780.

(2) Each person examining a financial report on file with the Registry shall first fill out a form prepared by the Registry identifying the examiner by name, occupation, address and telephone number, and listing the date of examination. The Registry shall promptly notify each person required to file the report required by this Act of each instance of examination of his statement by sending him a duplicate original of the identification form filled out by the person examining the statement.

Section 7. KRS 61.760 is amended to read as follows:

(1) The Registry of Election Finance shall appoint such employes as are necessary to provide the service to carry out all purposes of KRS 61.710 to 61.780, including an attorney or attorneys on a full or part-time basis.

(2) The Registry shall adopt such regulations, official forms and perform such duties as are necessary to implement the provisions of KRS 61.710 to 61.780. The Registry is authorized and empowered to:

(a) Develop prescribed forms for the making of the required reports;

(b) Prepare and publish a manual for the individuals subject to KRS 61.710 to 61.780 describing the requirements of the law, including uniform methods of reporting;

(c) Permit copying or photocopying of any reports as requested by any person;

(d) Ascertain whether any individual subject to the requirements of KRS 61.710 to 61.780 has failed to file a report or has filed a defective report, give notice to delinquents of failure to file the report, as provided in KRS 61.740;

(e) Hold public hearings, investigate any violations in reporting, and issue subpoenas for the production of documents and attendance of witnesses.

(3) The Registry shall, at least thirty (30) days prior to the filing deadline, furnish forms for the making of the required financial reports to all persons who are required by this Act to file such reports.

(4) The Registry may, an on notification from a former government official shall, destroy any financial statement or affidavits filed by a government official four years after he ceases to hold office.

Section 8. KRS 61.770 is amended to read as follows:

Any [The office or candidacy of any] person required by KRS 61.710 to 61.780 to file a report who fails to file the report required by KRS 61.710 to 61.780 within thirty days after receipt of the Registry's notice of noncompliance provided in KRS 61.750 or willfully files fraudulent information shall be *fined not less than $500 and not more than $5,000* [void, and the office or candidacy shall be filled as provided by law for the filling of the vacancy]. *Upon the written request of the registry, the Commonwealth's Attorney for the county in which the alleged delinquent resides shall bring an action to impose a finder under KRS 61.710 to 61.780. If the Commonwealth's Attorney fails or refuses for any reason, to prosecute such an action, the Attorney General, upon request of the registry, shall appoint a special attorney to bring such action. Such special attorney shall have all the duties of the Commonwealth's Attorney with respect to such matter.* [An action to declare a vacancy under KRS 61.710 to 61.780 may be brought by the Registry upon its determination, after investigation and hearing, that a violation of KRS 61.710 to 61.780 has occurred.]

Section 9. KRS 61.740 is hereby repealed.

SB 78, AN ACT relating to state holidays.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 2.110 is amended to read as follows:

(1) The 1st day of January (New Year's Day), *the 15th day of January (Martin Luther King Day),* the 19th day of January (Robert E. Lee Day), the 30th day of January (Franklin D. Roosevelt Day), the 12th day of February (Lincoln's Birthday), the third Monday in February (Washington's Birthday), the last Monday in May (Memorial Day), the 3rd day of June (Confederate Memorial Day, and Jefferson Davis Day), the 4th day of July (Independence Day), the first Monday in September (Labor Day), the second Monday in October (Columbus Day), the fourth Monday in October (Veterans Day), the 25th day of December

(Christmas Day) of each year, and all days appointed by the President of the United States or by the governor as days of thanksgiving, are holidays, on which all the public offices of this commonwealth may be closed; and, subject to the provisions of subsection (2) of this section, shall be considered as Sunday for all purposes regarding the presenting for payment or acceptance, and of protesting for and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, placed by law upon the footing of bills of exchange. If any of the days named as holidays occur on Sunday, the next day thereafter shall be observed as a holiday but bills of exchange or other papers may be presented for payment or acceptance on the Saturday preceding the holiday and proceeded on accordingly.

(2) Any bank, trust company, or combined bank and trust company, may, at its option, either close or remain open for business on the *15th day of January (Martin Luther King Day), the* 19th day of January (Robert E. Lee Day), the 30th day of January (Franklin D. Roosevelt Day), the 12th day of February (Lincoln's Birthday), the third Monday in February (Washington's Birthday), the 3rd day of June (Confederate Memorial Day, and Jefferson Davis Day), the second Monday in October (Columbus Day), and the fourth Monday in October (Veterans Day). Any bank, trust company, or combined bank and trust company electing to remain open on such of the above mentioned holidays may do so and as to such bank, trust company, or combined bank and trust company such day or days shall not constitute a holiday within the meaning of the provisions of the negotiable instrument law or any other law of the commonwealth and such bank, trust company, or combined bank and trust company shall incur no liability by reason of remaining open on such holiday, provided that any bank, trust company, or any combined bank and trust company, electing to remain open on any of the above mentioned holidays which occurs on a Monday, Tuesday, Wednesday, Thursday or Friday shall remain closed the following Saturday, or shall comply with KRS 287.197. If any such bank, trust company, or combined bank and trust company elects to close on such holidays, any act authorized, required or permitted to be performed at or by such bank, trust company, or combined bank and trust company, may be performed on the next succeeding business day and no liability or loss of rights of any kind shall result from remaining closed notwithstanding the provisions of any law of this commonwealth to the contrary. The provisions of this section shall not operate to invalidate or prohibit the doing on any of the aforementioned legal holidays of any act by any person or bank or trust company, or combined bank and trust company, and nothing in this section shall, in any manner whatsoever affect the validity of or render void or voidable the payment, certification or acceptance of a check or any other negotiable instrument or any other transaction by any person or bank or trust company or combined bank and trust company because done or performed during any of the aforesaid holidays, notwithstanding the provisions of any other law of this commonwealth to the contrary.

(3) No person shall be compelled to labor on the first Monday in September (Labor Day) by any person.

Representative Swinford moved that the rules be suspended for action on Resolutions. Agreed.

Representative Swinford moved the adoption of the following **HCR 105:**

HCR 105, A CONCURRENT RESOLUTION adjourning the General Assembly sine die on Friday, March 22, 1974.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That when the House of Representatives and the Senate do adjourn on Friday, March 22, 1974, they do so adjourn sine die.

On the roll call the vote was yeas 54-Adams, Allen, Bennett, Beshear, Blandford, Blume, Blythe, Brewer, Burch, Chandler, Davis, Donnermeyer, Dunn, Foster, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hughes, Imes, Isler, Kafoglis, Lewis, Little, Mann, May, McBee, McBride, McGill, O'Brien, Overstreet, Priddy, Quickert, Reynolds, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stone, Swinford, Troop, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible. Nays 1-Kenton.

HCR 105 was adopted.

Representative Swinford moved that consideration of **HR 107** be deferred. Agreed.

Representative Hellard moved the adoption of the following **HR 108:**

HR 108, A RESOLUTION adjourning in memory of William Lee Day.
WHEREAS, William Lee Day was a distinguished citizen and loyal son of Jessamine County; and
WHEREAS, William Lee Day manifested his love of and concern for people by his every day life; and
WHEREAS, William Lee Day served his people for twenty-five years as Circuit Court Clerk; and
WHEREAS, William Lee Day departed this life on the 16th day of March, 1974; and
WHEREAS, the departure of William Lee Day has been a great loss for all who knew and loved him; and
WHEREAS, the Commonwealth of Kentucky has lost a valued and distinguished citizen;
NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives pay tribute to the memory of William Lee Day by adjourning in his honor this 18th day of March, 1974.
Section 2. That the Clerk of the House be directed to forward copies of this resolution to the family of William Lee Day.

HR 108 was adopted by voice vote.

Representative Siemens moved the adoption of the following **HR 102:**

HR 102, A RESOLUTION commending those who have worked so diligently for **HB 50.**
WHEREAS, collective bargaining for public employees has been an issue for many years; and
WHEREAS, numerous persons have worked diligently and tirelessly for this issue, culminating in **HB 50** of the 1974 Session of the General Assembly;
NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House, on behalf of all public employees in the Commonwealth, commend the following persons for their efforts:
James Aubrey, U.A.W.
Paul Grose, Associated Firefighters of Kentucky
Charlie Head, United Mine Workers
Mrs. Louise Hite, President, KEA
Daniel G. Koons, International Representative, American Federation of State, County and Municipal Employees
Eugene Land, U.A.W.
M. C. Miller, Lexington Firefighters
Richard Miller, K. F. of T.
Martha Russell, Kentucky Nurses Association
Harry Schaffer, Kentucky AFL-CIO
Herb Segal, Attorney
Scotty Smith, Kentucky AFL-CIO
John Stewart, Attorney
Miss Ann Wall, L.E.A.
Section 2. That the Clerk be directed to have an ample supply of copies of this resolution given to the sponsors for distribution to these persons.

On the roll call the vote was yeas 34-Adams, Allen, Bennett, Blythe, Chandler, Denham, Donnermeyer, Dunn, Graves, Hardin, Head, Hellard, Holbrook, Hopkins, Isler, Kafoglis, Karem, Kenton, Kleier, Mann,

Mason, May, McBee, Priddy, Reynolds, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stone, Swinford, Troop, Van Horn. Nays 4-Blythe, Guenthner, Rattliff, Robinson.

HR 102 was adopted.

Representative Swinford moved that the vote by which **HR 102** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative Swinford moved that when the House adjourns, it do so by voice vote. Agreed.

Announcements

Representative Swinford moved that when the House adjourns, it do so until 10:00 A.M., March 19, 1974. Agreed.

The following members filed Floor Amendments to bills: Representative Romines, No. 2 to **SB 331;** Representative Van Horn, No. 3 to **SB 331;** Representative Hughes, No. 2 to **SB 312;** Representative Hughes, No. 1 to **SB 312;** Representative Holbrook, No. 6 to **SB 236;** Representative Blume, No. 7 to **SB 206;** Representative G. White, No. 2 to **HB 835;** Representative Lindsay, No. 7 to **SB 236;** Representative Denham, No. 3 to **HB 835;** Representative Robinson, No. 2 to **HR 83;** Representative Robinson, No. 1 to **HR 83;** Representative Quickert, No. 2 to **SB 208;** Representative Quickert, No. 1 to **SB 208;** Representative Givhan, No. 8 to **SB 236;** Representative Stephens, No. 1 to **SB 276;** Representative Siemens, No. 1 to **SB 5;** Representative G. White, No. 4 to **HB 835;** Representative Kenton, No. 1 to **SB 227;** Representative Karem, No. 3 to **SB 99;** Representative McBride, No. 3 to **SB 57;** Representative Crupper, No. 2 to **SB 168;** Representative Crupper, No. 3 to **SB 168.**

Recess

Representative Swinford moved that the House recess until 8:00 P.M. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Senate Message

Announcing passage of **SB 259.**

Announcements (continued)

Representative Swinford moved that the Rules be suspended for Reference of Bills and Resolutions. Agreed.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Judiciary: **SB 259.**

Recess

Representative Swinford moved that the House recess for five minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Announcements (continued)

Representative Swinford moved that the Rules be suspended for Report of Committees. Agreed.

Report of Committees

The Committee on Judiciary reported **SB 259,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 259, AN ACT relating to the regulation of abortion.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 311 is created to read as follows:

The General Assembly of the Commonwealth of Kentucky hereby finds and declares:

(1) That it is in the interest of the people of the Commonwealth of Kentucky that every precaution be taken to insure the protection of every viable unborn child being aborted, and every precaution be taken to provide life-supportive procedures to insure the unborn child its continued life after its abortion; and

(2) That currently, in the Commonwealth, there is inadequate legislation to protect the life, health and welfare of pregnant women and unborn human life; and

(3) That it is in the interest of the people of the Commonwealth of Kentucky to maintain accurate statistical data to aid in providing proper maternal health regulations.

Section 2. A new section of KRS Chapter 311 is created to read as follows:

As used in this Act, and laws of the Commonwealth unless the context otherwise requires:

(1) "Abortion" shall mean an act, procedure, device or prescription administered or prescribed for a pregnant woman by any person, including the pregnant woman herself producing the premature expulsion of the fetus, except that in cases in which the unborn child's viability is threatened by continuation of the pregnancy, early delivery after viability by commonly accepted obstretrical practices shall not be construed as an abortion for the purposes of this Act.

(2) "Hospital" shall mean those institutions licensed in the Commonwealth of Kentucky pursuant to the provisions of Chapter 216 of the Kentucky Revised Statutes.

(3) "Consent" as used in this Act with reference to those who must give their consent shall mean an informed consent expressed by a written agreement to submit to an abortion on a written form of consent to be promulgated by the State Board of Health.

(4) "Physicians" shall mean any person licensed to practice medicine in the Commonwealth in accordance with the provisions of Chapter 311 of the Kentucky Revised Statutes.

(5) "Viability" shall mean that stage of human development when the life of the unborn child may be continued by natural or life-supportive systems outside the womb of the mother.

(6) "Accepted medical procedures" shall mean procedures of the type performed in the manner and in a facility with equipment sufficient to meet the standards of medical care which physicians engaged in the same or similar lines or work, would ordinarily exercise and devote to the benefit of their patients.

Section 3. A new section of KRS Chapter 311 is created to read as follows:

After the first trimester, every physician who performs an abortion, shall, before the performance of the abortion inform the expectant mother of the reasonably possible physical and mental consequences of the performance of the abortion or the nonperformance of the abortion.

Section 4. A new section of KRS Chapter 311 is created to read as follows:

Before an abortion may be performed, consent to the performance of such abortion shall be given by the following individuals:

(1) In all cases consent shall be given by the woman upon whom the abortion is to be performed.

(2) If the woman upon whom the abortion is to be performed is married at the time of the performance of the abortion, consent shall be given by her husband.

(3) After the first trimester, if the pregnant woman is unmarried and under eighteen years of age, consent shall be given by either of her parents, her guardian or other responsible agency having legal custody

of the pregnant woman.

Section 5. A new section of KRS Chapter 311 is created to read as follows:

Subject to the provisions of Section 6 (1) of this Act, no person other than a licensed physician shall perform an abortion.

Section 6. A new section of KRS Chapter 311 is created to read as follows:

An abortion may be performed in this state only under the following circumstances:

(1) During the first trimester of pregnancy by a woman upon herself upon the advice of a licensed physician or by a licensed physician.

(2) After the first trimester of pregnancy, except in cases of emergency to protect the life or health of the pregnant woman, where an abortion is permitted under other provisions of this Act, by a duly licensed physician in a hospital or clinic having sufficient minimal facilities and equipment to insure the maximum safeguard of a patient. Such facilities utilized in the performance of abortion shall be equipped with a blood bank or a sufficient supply of whole blood immediately available and shall have: facilities for rhesus factor (RH) testing; analgesia and anesthesia service; sufficient resuscitation equipment to treat the unconscious patients with cardiovascular collapse; facilities to provide adequate preoperative and postoperative care; and such other equipment and facilities as may be prescribed by the State Board of Health.

Section 7. A new section of KRS Chapter 311 is created to read as follows:

After the first trimester no person shall perform the form of abortion known as the saline method of abortion.

Section 8. A new section of KRS Chapter 311 is created to read as follows:

No abortion shall be performed or prescribed knowingly after the unborn child may reasonably be expected to have reached viability, except when necessary to preserve the life or health of the woman. In those instances where an abortion is performed under this section, the person performing the abortion shall take all reasonable steps in keeping with reasonable medical practices to preserve the life and health of the child, including but not limited to Section 6 (2) of this Act.

Section 9. A new section of KRS Chapter 311 is created to read as follows:

Any child which is live born after an attempted abortion shall be fully recognized as a human person under the law and a birth certificate shall be issued certifying the birth of said live born person even though said person may die thereafter. In the event death does ensue, a death certificate shall be issued. Both the birth and death certificates shall issue as required by KRS Chapter 213.

Section 10. KRS 199.600 is amended to read as follows:

(1) In a proceeding involving a neglected or abandoned child, as defined in KRS 199.011, the circuit court may terminate all parental rights of the parents of such child, and declare the child to be a ward of the state, and may vest the care, custody and control of the child in the department, or in any licensed child-caring or child-placing agency or institution, if facilities are available to receive the child, if it is pleaded and proved in a private hearing that the parents have abandoned or deserted the child, or have substantially or continuously or repeatedly neglected the child or refused to give the child parental care and protection, or that the child is neglected and that the parents have been adjudged mentally incompetent and such judgment has been in effect for not less than one year.

(2) If the circumstances described in subsection (1) of this section exist with respect to only one of the two legitimate parents, the parental rights of that parent may be terminated, in which case the child shall not be declared to be a ward of the state, unless with the voluntary consent of the other parent, or if one of the two legitimate parents has willfully, substantially and continuously refused for a period of at least one year to give or pay any support, the parental rights of that parent may be terminated immediately by order of the court, in which case the child shall not be declared a ward of the state, unless with the voluntary consent of the other parent.

(3) In an action to terminate parental rights under this section the parents, if the child is legitimate, or the mother if the child is born out of wedlock, must be personally summoned; or where personal service cannot be made, must be constructively summoned as provided in the Rules of Civil Procedure.

(4) In the event the infant is made party defendant to the action, the boarding home or foster parent shall not be served with summons notwithstanding provisions of CR 4.04 (3).

(5) The court may be convened at any time wherever the judge thereof may be found within this district, irrespective of the regular term for the purpose of terminating parental rights under this section, and shall complete the same as soon as possible.

(6) Proceedings under this section may be instituted upon petition by the department, any probation officer, any state or local law enforcement officer, any county or Commonwealth's attorney or parent.

(7) In the event a parent who is a defendant in an action for involuntary termination of parental rights is for financial reasons unable to obtain legal representation, the court shall appoint an attorney for such person if defendant requests counsel. The court may appoint counsel for any defendant under this statute if in the opinion of the court justice will be served. Unless the attorney appointed receives a salary or fee from another source, he shall be paid a reasonable fee for his services which shall be taxed as costs not to exceed

$150.

(8) Unless one or both parents object thereto in writing within ten days after an abortion results in a live birth, the live born person shall become an abandoned ward of the state and the mother and father of such person shall have no parental rights or obligations whatsoever as relates to the abandoned, the same as if parental rights had been terminated pursuant to the provisions of KRS Chapter 199.

Section 11. A new section of KRS Chapter 311 is created to read as follows:

(1) No hospital or other health care facility shall be required to, or held liable for refusal to, perform or permit the performance of abortion contrary to its stated ethical policy. No physician, nurse staff member or employe of a hospital or other health care facility, who shall state in writing to such hospital or health care facility his objection to performing, participating in, or cooperating in, abortion on moral, religious or professional grounds, be required to, or held liable for refusal to, perform, participate in, or cooperate such abortion.

(2) It shall be an unlawful discriminatory practice for the following:

(a) Any person to impose penalties or take disciplinary action against, or to deny or limit public funds, licenses, certifications, degrees, or other approvals or documents of qualification to, any hospital or other health care facility due to the refusal of such hospital or health care facility to perform or permit to be performed, participate in, or cooperate in, abortion by reason of objection thereto on moral, religious or professional grounds, or because of any statement or other manifestation of attitude by such hospital or health care facility with respect to abortion; or,

(b) Any person to impose penalties or take disciplinary action against, or to deny or limit public funds, licenses, certifications, degrees, or other approvals or documents of qualification to any physician, nurse or staff member or employe of any hospital or health care facility, due to the willingness or refusal of such physician, nurse or staff member or employe to perform or participate in abortion by reason of objection thereto on moral, religious or professional grounds, or because of any statement or other manifestation of attitude by such physician, nurse or staff member or employe with respect to abortion; or,

(c) Any public or private agency, institution or person, including a medical, nursing or other school, to deny admission to, impose any burdens in terms of conditions of employment upon, or otherwise discriminate against any applicant for admission thereto or any physician, nurse, staff member, student or employe thereof, on account of the willingness or refusal of such applicant, physician, nurse, staff member, student or employe to perform or participate in abortion or sterilization by reason of objection thereto on moral, religious or professional grounds, or because of any statement or other manifestation of attitude by such person with respect to abortion or sterilization if that health care facility is not operated exclusively for the purposes of performing abortions or sterilizations.

Section 12. A new section of KRS Chapter 311 is created to read as follows:

No woman may be denied governmental assistance or be otherwise discriminated against or otherwise subjected to coercion in any way for accepting or refusing to accept or submit to an abortion, which she may do or not do for any reason without explanation.

Section 13. A new section of KRS Chapter 436 is created to read as follows:

Whoever shall sell, transfer, distribute or give away any live or viable aborted child or permits such child to be used for any form of experimentation shall be imprisoned in the penitentiary for a term of not less than ten nor more than twenty years. Nothing contained in this section shall be construed as prohibiting adoption or foster care proceedings pursuant to the provisions of the laws of the Commonwealth.

Section 14. A new section of KRS Chapter 213 is created to read as follows:

(1) The Bureau of Vital Statistics of the Department of Health shall establish an abortion reporting form which shall be used for the reporting of every abortion performed or prescribed in this state after the first trimester. Such form shall include the following items in addition to such other information as may be required by the State Department of Health:

(a) The age of the pregnant woman;
(b) The marital status of the pregnant woman;
(c) The location of the facility where the abortion was performed or prescribed;
(d) The type of procedure performed or prescribed;
(e) Complications, if any;
(f) The name of the attending physician;
(g) The name of the referring physician, agency or service if any;
(h) The given menstrual age of the unborn child aborted;
(i) The results of any pathological examinations of unborn children aborted;
(j) The legal residence of the woman and the legal residence of the father of the aborted fetus or child, if known; and
(k) The length and weight of the aborted child when measurable.

(2) The completed form shall be certified by the attending physician and be sent to the Bureau of Vital Statistics within 15 days after each reporting month.

Section 15. A new section of KRS Chapter 211 is created to read as follows:

The Department for Human Resources shall promulgate reasonable rules and regulations to effectuate the purposes of this Act, which shall be submitted to the Legislative Research Commission in a manner prescribed the KRS Chapter 13; the Legislative Research Commission shall refer said rules and regulations to the Interim Committee on Health and Welfare for the purpose of approval or disapproval.

Section 16. A new section of KRS Chapter 436 is created to read as follows:

No abortion shall be performed on any woman without the passing of at least a 24 hour period between the filing of the written consent, by the required consenting parties, and the actual performance of the abortion unless an emergency situation presents imminent peril substantially endangering the life of the woman.

Section 17. A new section of KRS Chapter 311 is created to read as follows:

(1) Any physician who fails to comply with the provisions of Section 3 of this Act, upon conviction thereof shall be fined not more than $500.

(2) Failure to procure the informed consent of those required to give their consent pursuant to Section 4 of this Act, prior to performing an abortion shall be punishable by imprisonment in the county jail not to exceed one year or a fine not to exceed $1,000, or both.

(3) Any person convicted of violating Section 5 of this Act shall be imprisoned in the penitentiary for a term of not less than ten nor more than twenty years.

(4) Any person who violates Sections 6 (2), 7 or 8 of this Act shall be imprisoned for a term not to exceed two years or fined not more than $5,000, or both.

(5) A person convicted of violating Section 8 of this Act shall be imprisoned in the penitentiary for not less than two nor more than twenty-one years.

(6) Any person who violates Section 12 of this Act shall be imprisoned in the county jail for a term not to exceed twelve months or a fine in a sum not to exceed $1,000, or both.

(7) Any physician who fails to comply with the procedures outlined in Section 14 of this Act shall be fined an amount not to exceed $500.

(8) Any person violating Section 16 of this Act shall be imprisoned in the county jail not to exceed one year or a fine not to exceed $1,000, or both.

Section 18. A new section of KRS Chapter 311 is created to read as follows:

If any section of this Act or any part of any section shall be invalid or unconstitutional, the declaration of such invalidity shall not affect the validity of the remaining portions thereof.

Section 19. KRS 435.040 and 436.020 are repealed.

The Committee Amendment to **SB 259** is as follows:

Amend Senate Bill 259, page 3, line 23, by inserting after "(2)" the following:

"After the first trimester, if" and delete the word "If".

Adjournment

Representative Swinford moved that the House adjourn until 10:00 A.M., Tuesday, March 19, 1974. Agreed.

TUESDAY, MARCH 19, 1974

FIFTY-SEVENTH LEGISLATIVE DAY

The House was called to order by Speaker Blume.

Prayer by the Reverend Herman Bowers, First Baptist Church, Frankfort.

The roll was called. All present except Representatives Harris, Kidd, and Stewart.

Representative Isler moved that absent members be granted leave of absence in accordance with the rules of the House. Agreed.

The following members filed excuses: Representatives Harris, Kidd, and Stewart.

Representative Hughes moved that the reading of the Journal of March 18, 1974, be dispensed with and the same approved. Agreed.

Recommended Consent Calendar

SB 109, SB 173, SB 312, SB 166, SB 305, SB 111, SB 133, SB 122, SB 256, SB 286, SB 347, SB 199, SB 84, SR 50, SB 335, SB 269, HR 100, SB 18, SB 156, SB 306, SB 323, SB 220, SB 345, SB 289, SR 34, and **SB 216** taken from the Recommended Consent Calendar and ordered read at length for the second time. Representative Swinford moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Calendar

SB 241, SB 297, SR 29, SR 39, SB 276, SR 30, HR 101, SB 315, SR 60, SB 334, SB 302, SB 59, SB 278, SB 290, SB 254, SB 287, SB 239, SB 282, SB 246, SB 259, SB 242, SB 244, SB 294, SB 331, SB 332, SB 329, SB 233, SB 78, HCR 103, SB 151, and **SB 228** taken from the Calendar and ordered read at length for the second time. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Motions, Petitions and Communications

Representative Hughes moved the adoption of the following **HR 112.** Agreed.

HR 112, A RESOLUTION to direct the General Assembly's Correctional Facilities Review Commission to investigate the reports of drug trafficing in state penal institutions.

WHEREAS, the Louisville Courier-Journal has alledged that drug trafficing has run rampant in the Kentucky State Penitentiary; and

WHEREAS, various documents seem to indicate that drugs may have been trafficed by state employes inside state correctional institutes; and

WHEREAS, the large quantities of drugs and money involved in the alledged drug trafficing indicates a major security and personnel problem which severly alarms the General Assembly; and

WHEREAS, the House of Representatives of the General Assembly feels drug trafficing and the vice and corruption it signifies must be wiped out inside state institutions, and

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Correctional Facilities Review Commission undertake a thorough investigation of drug trafficing inside state correctional institutions.

Section 2. That the Correctional Facilities Review Commission present its findings to appropriate interim committees and the 1976 General Assembly.

Senate Message

Announcing passage of **HB 314** with Amendment.

Orders of the Day

Representative Swinford moved that **HB 693** and **HB 594** be recommitted to the Committee on Labor and Industry. Agreed.

Representative Swinford moved that consideration of **HB 658** and **HB 659** be deferred and that they retain their position in Orders of the Day. Agreed.

Representative Swinford moved that **HB 730** be recommitted to the Committee on Health and Welfare. Agreed.

Representative Swinford moved that **HB 612** be recommitted to the Committee on Agriculture and Natural Resources. Agreed.

Representative Swinford moved that **SB 99** and **SB 159** be taken from Consent Orders of the Day and placed in regular Orders of the Day. Agreed.

SB 176, SB 224, SB 225, and **SB 234** taken from Consent Orders of the Day and ordered read at length for the third time. Representative Swinford moved that they be read by title only and placed upon their passage. Agreed by a majority of members elected.

On the roll call for **SB 176** the vote was yeas 58-Arnold, Beshear, Blandford, Blume, Bowles, Brewer, Burch, Chandler, Clapp, Davis, Dawahare, Denham, Donnermeyer, Dunn, Foster, Gay, Graves, Hardin, Hinkle, Holbrook, Hopkins, Hughes, Isler, Kafoglis, Karem, Kenton, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Swinford, Turner, Van Horn, Vincent, Whitfield, Wible, Yates. Nays 9-Allen, R. Brown, DeMarcus, Guenthner, Hellard, Lindsay, Robinson, Smith, Stone.

On the roll call for **SB 224** the vote was yeas 65-Arnold, Beshear, Blandford, Blume, Bowles, R. Brown, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Hardin, Head, Hellard, Hinkle, Holbrook, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Lewis, Lindsay, Little, Louden, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Reynolds, Richardson, Roberts, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Troop, Turner, Van Horn, Vincent, Whitfield, Wible, Yates. Nays 3-Allen, Robinson, Stone.

On the roll call for **SB 225** the vote was yeas 68-Arnold, Beshear, Blandford, Blume, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Guenthner, Hardin, Head, Hinkle, Holbrook, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Lewis, Lindsay, Little, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Troop, Turner, Van Horn, Vincent, J. White, Whitfield, Wible, Yates. Nays 5-Allen, Hellard, Mason, Robinson, Stone.

On the roll call for **SB 234** the vote was yeas 68-Arnold, Beshear, Blandford, Blume, Bowles, Brewer, R. Brown, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Guenthner, Hardin, Head, Hellard, Hinkle, Holbrook, Hughes, Imes, Isler, Kafoglis, Karem, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Reynolds, Richardson, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Troop, Turner, Van Horn, Vincent, Whitfield, Wible, Yates. Nays 3-Allen, Robinson, Stone.

SB 176, SB 224, SB 225, and **SB 234** were passed and the titles agreed to.

Representative Swinford moved that the vote by which **SB 224, SB 225,** and **SB 234** were passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 70, with Committee Amendment attached thereto, taken from Consent Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blume moved the adoption of the Committee Amendment to **SB 70.** Agreed.

On the roll call the vote was yeas 69-Adams, Bennett, Beshear, Blandford, Blume, Brewer, R. Brown, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Guenthner, Hardin, Head, Hellard, Hinkle, Holbrook, Imes, Isler, Kafoglis, Karem, Kenton, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Overstreet, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stone, Swinford, Troop, Turner, Vincent, Whitfield, Wible, Yates. Nays 8-Allen, Arnold, Bruce, Hancock, Hughes, Stephens, Van Horn, J. White.

SB 70 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 70** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that the vote on **SB 176** be reconsidered. Agreed.

Representative McBride moved the adoption of the following Floor Amendment to **SB 176:**

Amend printed copy of **SB 176,** page 2, by adding after line 17, the following:

"(4) Notwithstanding the provisions of KRS 304.9-120, a non-resident of this state who is a full-time employee of an insurer or an affiliate of an insurer, and not compensated on a commission basis, may be licensed as a general lines insurance agent upon compliance with the provisions of KRS 304.9-110, except as to the residence requirement, and may act as an agent in Kentucky under said license, provided that such insurer maintains a place of business in this state."

Agreed.

On the roll call the vote was yeas 62-Arnold, Bennett, Beshear, Blandford, Blume, Bowles, Brewer, R. Brown, Burch, Chandler, Clapp, Clarke, Davis, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Hardin, Hinkle, Holbrook, Hughes, Imes, Isler, Kafoglis, Karem, Louden, Mann, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Pearman, Paxton, Quickert, Rattliff, Reynolds, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 14-Adams, Allen, Dawahare, Hancock, Head, Hellard, Lewis, Lindsay, Little, Mason, Priddy, Richardson, Robinson, Stone.

SB 176 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 176** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 99, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the Committee Amendment No. 2 to **SB 99.** Agreed.

Representative Karem moved that Floor Amendment No. 1 to **SB 99** be withdrawn. Agreed.

Representative Karem moved the adoption of the following Floor Amendment No. 3 to **SB 99:**

Amend printed copy of **SB 99,** page 1, lines 9 through 15, by deleting the words "Nothing in KRS 146.200 to 146.350 shall be construed to prohibit that portion of the Red River between Peck's Branch and Swift Camp Creek from being used to temporarily contain flood waters that may be impounded above the normal sustained pool level of any lake which may be created in the event a dam is constructed on the Red River near Bowen, Kentucky."

On the roll call the vote was yeas 14-DeMarcus, Hellard, Holbrook, Hopkins, Kafoglis, Karem, Kenton, Kleier, Mason, Overstreet, Rattliff, Schmidt, Stone, Whitfield. Nays 50-Adams, Allen, Bennett, Beshear,

Blandford, Blume, Bowles, Brewer, Chandler, Clapp, Clarke, Davis, Dietz, Dunn, Foster, Graves, Hancock, Hardin, Head, Hislope, Hughes, Imes, Isler, King, Little, Louden, May, McBee, McBride, Morgan, O'Brien, Pearman, Priddy, Reynolds, Richardson, Robinson, Sharpe, Siemens, Smith, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Wible, Yates.

The Floor Amendment No. 3 to **SB 99** was rejected.

Representative Swinford moved that **SB 99** as amended be placed upon its passage.

On the roll call the vote was yeas 67-Adams, Arnold, Bennett, Beshear, Blandford, Blume, Bowles, Brewer, Chandler, Clapp, Clarke, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, King, Kleier, Lewis, Lindsay, Little, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Roberts, Romines, Schmaedecke, Schmidt, Siemens, Smith, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, G. White, Whitfield, Wible, Yates. Nays 9-Allen, Bruce, Davis, DeMarcus, Hislope, Quickert, Robinson, Sharpe, Stone.

SB 99 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 99** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 76, HB 77, HB 121, HB 217, HB 229, HB 330, HB 372, HB 376, HB 384, HB 503,** and **HB 571** had been examined and found correctly enrolled. **HB 76, HB 77, HB 121, HB 217, HB 229, HB 330, HB 372, HB 376, HB 384, HB 503,** and **HB 571** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 76, HB 77, HB 121, HB 217, HB 229, HB 330, HB 372, HB 376, HB 384, HB 503, HB 571, HB 319, HB 490, HB 491, and **HB 493** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (continued)

Representative Swinford moved that consideration of **SB 159** be deferred and that it retain its position in Orders of the Day. Agreed.

Recess

Representative Swinford moved that the House recess until 1:00 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative Swinford moved that the rules be suspended so that the Bills and Resolutions posted in the Orders of the Day of the Committee on Rules on March 19, 1974, may be considered by the House on March 19, 1974, the provisions of Rule 41 of the Rules of the House requiring that the Committee on Rules post a notice listing the bills to be considered that day prior to each day's session, to the contrary notwithstanding. Agreed.

Orders of the Day

HB 606 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that **HB 606** be placed upon its passage.

On the roll call the vote was yeas 46-Bennett, Blume, Bowles, Brewer, Bruce, Dietz, Donnermeyer, Dunn, Graves, Hardin, Hinkle, Holbrook, Holloway, Imes, Isler, Kenton, King, Lewis, Lindsay, Little, Louden, Mason, May, McBee, McBrayer, McGill, Morgan, O'Brien, Pearman, Paxton, Quickert, Reynolds, Sale, Schmaedecke, Sharpe, Smith, Stewart, Stone, Thomas, Turner, Van Horn, Vincent, J. White, Whitfield, Wible, Yates. Nays 34-Adams, Allen, Arnold, Benson, Beshear, Blythe, Chandler, Davis, DeMarcus, Denham, Gay, Givhan, Guenthner, Hellard, Hislope, Hopkins, Hughes, Kafoglis, Karem, Mann, Maynard, McBride, Nett, Priddy, Rattliff, Richardson, Roberts, Robinson, Schmidt, Stephens, Swinford, Troop, Watkins, Wells.

HB 606 was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which **HB 606** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 858** be deferred and that it retain its position in Orders of the Day. Agreed.

HR 92 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McGill moved the adoption of **HR 92.**

HR 92 was adopted by voice vote.

SB 2, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richardson moved the adoption of the Committee Amendment No. 1 to **SB 2.** Agreed.

Representative Siemens moved that consideration of **SB 2** as amended be deferred and that it retain its position in Orders of the Day.

On the roll call the vote was yeas 38-Allen, Arnold, Bennett, Blume, Brewer, R. Brown, Bruce, Burch, Chandler, Dawahare, Dietz, Donnermeyer, Dunn, Hinkle, Hughes, Isler, Kenton, Lewis, Little, Louden, Mann, Maynard, McBee, McBride, McGill, Paxton, Priddy, Quickert, Roberts, Robinson, Romines, Schmaedecke, Siemens, Stewart, Turner, Van Horn, J. White, Whitfield, Yates. Nays 46-Adams, Benson, Beshear, Blythe, Bowles, Clapp, Davis, DeMarcus, Denham, Donnermeyer, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hardin, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Imes, Karem, King, Lindsay, Mason, May, McBrayer, Morgan, Nett, O'Brien, Pearman, Rattliff, Richardson, Schmidt, Sharpe, Smith, Stephens, Stone, Thomas, Troop, Vincent, G. White, Wible.

The motion that consideration of **SB 2** as amended be deferred and that it retain its position in Orders of the Day was rejected.

Representative Richardson moved the adoption of the Committee Amendment No. 2 to **SB 2.** Agreed.

Representative Richardson moved that **SB 2** as amended be placed upon its passage.

On the roll call the vote was yeas 64-Bennett, Benson, Beshear, Blandford, Blume, Bowles, Brewer, R. Brown, Burch, Chandler, Clapp, Davis, Dietz, Donnermeyer, Dunn, Foster, Freeman, Givhan, Graves, Hardin, Hellard, Holbrook, Hopkins, Hughes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lewis, Lindsay, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Whitfield, Wible, Yates. Nays 16-Allen, Arnold, Blythe, Bruce, Denham, Guenthner, Hancock, Hinkle, Holloway, Imes, Little, Pearman, Smith, Stephens,

Stewart, G. White.

SB 2 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 2** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 5 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Burch moved the adoption of the following Floor Amendment No. 1 to **SB 5:**

Amend printed copy of **SB 5,** page 3, line 10, by adding thereafter the following:

"Section 6. A new section of KRS Chapter 336 is created to read as follows:

This act shall not apply to any person, partnership, firm, or corporation providing an essential service for public convenience and necessity."

line 11, by deleting "Section 6" and by adding in lieu thereof "Section 7".

Agreed.

Representative Siemens moved that consideration of **SB 5** as amended be deferred and that it retain its position in Orders of the Day. Agreed.

SB 44 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that **SB 44** be placed upon its passage.

On the roll call the vote was yeas 75-Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Kenton, King, Kleier, Lewis, Lindsay, Mann, Mason, May, Maynard, McBee, McBrayer, Morgan, Nett, O'Brien, Paxton, Priddy, Rattliff, Reynolds, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, G. White, Wible, Yates. Nays 2-Allen, Little.

SB 44 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 44** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 100, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Beshear moved the adoption of the Committee Amendment No. 1 to **SB 100.** Agreed.

Representative Beshear moved that **SB 100** as amended be placed upon its passage.

On the roll call the vote was yeas 40-Adams, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Burch, Chandler, Clarke, Dawahare, Dietz, Dunn, Freeman, Graves, Hancock, Hinkle, Holbrook, Holloway, Hopkins, Isler, Kafoglis, Karem, Kenton, King, Lewis, Lindsay, McBee, McBrayer, McGill, Morgan, Priddy, Quickert, Romines, Schmaedecke, Schmidt, Siemens, Wible. Nays 27-Allen, Bruce, Davis, DeMarcus, Donnermeyer, Foster, Givhan, Hellard, Hislope, Hughes, Imes, Little, Mann, Mason, May, O'Brien, Pearman, Paxton, Rattliff, Robinson, Sharpe, Smith, Stewart, Stone, Swinford, Van Horn, J. White.

SB 100 as amended was passed and the title agreed to.

Representative Beshear moved that the vote by which **SB 100** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 125 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hinkle moved that **SB 125** be placed upon its passage.

On the roll call the vote was yeas 74-Adams, Bennett, Beshear, Blandford, Blume, Blythe, Bowles, R. Brown, Bruce, Burch, Chandler, Clarke, Davis, Dawahare, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Freeman, Givhan, Hancock, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Isler, Kafoglis, Karem, Kenton, King, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stewart, Stone, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Wible. Nays 5-Denham, Graves, Imes, Lewis, Lindsay.

SB 125 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 125** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **HB 573, HB 565, HB 501, HB 392, HB 651, HB 603, HB 414, HB 588, HB 570, HB 348, HB 508, HB 687, HB 439, HB 558, HB 530, HB 483, HB 633, HB 634, HB 635, HB 636, HB 675, HB 682, HB 699, HB 378, HR 50, HR 53,** and **SB 336.**

Orders of the Day (continued)

SB 106 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wible moved that **SB 106** be placed upon its passage.

On the roll call the vote was yeas 72-Adams, Bennett, Beshear, Blandford, Blume, Blythe, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Davis, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Head, Hinkle, Hislope, Hopkins, Hughes, Hurst, Isler, Kafoglis, Kenton, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stewart, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Wible. Nays 9-Allen, Denham, Hellard, Holbrook, Holloway, Imes, Karem, King, Stone.

SB 106 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 106** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 146 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved that **SB 146** be placed upon its passage.

On the roll call the vote was yeas 71-Adams, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Burch, Chandler, Clapp, Clarke, Davis, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Hancock, Hardin, Head, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Isler, Kafoglis, Kenton, King, Kleier, Lewis, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Romines, Sale, Sharpe, Siemens, Smith, Stewart, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Wible, Yates. Nays 11-Allen, DeMarcus, Hellard, Hislope, Imes, Lindsay, Little, Louden, Robinson, Stone, Troop.

SB 146 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 146** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 168 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Beshear moved that **SB 168** be placed upon its passage.

On the roll call the vote was yeas 75-Adams, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Burch, Chandler, Clapp, Clarke, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Hughes, Imes, Isler, Kafoglis, Kenton, King, Lewis, Lindsay, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, Morgan, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Wible, Yates. Nays 5-Holloway, Hopkins, Karem, Little, Robinson.

SB 168 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 168** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 197, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved the adoption of the Committee Amendment No. 1 to **SB 197.** Agreed.

Representative Donnermeyer moved that **SB 197** as amended be placed upon its passage.

On the roll call the vote was yeas 47-Bennett, Benson, Beshear, Blandford, Blume, Burch, Chandler, Clarke, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Hancock, Hellard, Hinkle, Holbrook, Holloway, Hughes, Isler, Kafoglis, Kenton, Little, Louden, Mann, May, McBee, McBride, McGill, Priddy, Quickert, Reynolds, Sale, Schmaedecke, Schmidt, Siemens, Stewart, Swinford, Thomas, Troop, Turner, Van Horn, Watkins, Wells, Wible, Yates. Nays 26-Allen, Brewer, Bruce, Clapp, DeMarcus, Freeman, Gay, Hardin, Head, Hislope, Hopkins, Hurst, Imes, Lewis, Mason, Maynard, McBrayer, O'Brien, Pearman, Paxton, Richardson, Roberts, Robinson, Smith, Stone, J. White.

SB 197 as amended was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which **SB 197** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 214 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Beshear moved the passage of **SB 214.**

On the roll call the vote was yeas 70-Adams, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Graves, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hughes, Isler, Kafoglis, Kenton, King, Lewis, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Pearman, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stone, Swinford, Thomas, Troop, Turner, Vincent, Watkins, Wells, Wible. Nays 10-Allen, Hopkins, Hurst, Imes, Karem, Paxton, Robinson, Stewart, Van Horn, J. White.

SB 214 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 214** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 215 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Louden moved the adoption of the following Floor Amendment No. 2 to **SB 215:**

Amend printed copy of **SB 215,** page 1, following line 18, by adding the following:

"Section 3. In the event the general expenditure fund revenue estimate, plus surplus brought forward, for the 1975-76 fiscal year exceeds $933,485,645, each sheriff performing the duties required under the provisions of KRS 70.150 and 70.160 shall be allowed the amount of $3,600 annually payable out of the state treasury at the rate of $300 per month for such services. The first such monthly payment shall be for the month of July, 1976 and the check therefor shall be forwarded to the sheriff concerned on or about the last working day of that month and each month thereafter."

Agreed.

Representative Beshear moved that **SB 215** as amended by placed upon its passage.

On the roll call the vote was yeas 76-Allen, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Graves, Hancock, Head, Hellard, Hinkle, Hislope, Holloway, Hughes, Imes, Isler, Kafoglis, Kenton, King, Kleier, Lewis, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Wible. Nays 4-Hopkins, Karem, Little, Robinson.

SB 215 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 215** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 227 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kenton moved the adoption of the following Floor Amendment No. 2 to **SB 227:**

Amend printed copy of **SB 227,** page 7, by adding a new section to read as follows:

"Section 2. KRS 61.096 is amended to read as follows:

(1) No member of the general assembly, or officer or employe thereof, or officer or employe of an agency as defined in KRS 61.094, shall knowingly receive or agree to receive, directly or indirectly, compensation for any services to be rendered, either by himself or another, in negotiations with the state or an agency for the purchase by the state or an agency of an interest in real property. This section shall not apply to appearances before any court, except that negotiations shall be prohibited as aforesaid at any time.

(2) No member of the general assembly, or officer or employe of an agency, may be in any manner interested, either directly or indirectly, in his own name or in the name of any other person, association, trust, or corporation, in any contract for the performance of any work in the making or letting or administration of which such officer or employe may be called upon to act or vote. No such officer or employe may represent, either as agent or otherwise, any person, association, trust or corporation, with respect to any application or bid for any contract or work in regard to which such officer or employe may be called upon to act or vote. Nor may any such officer or employe take, solicit or receive, either directly or indirectly, any money or other thing of value as a gift or bribe or means of influencing his vote or action in his official character. Any contract made and procured in violation hereof is void. For the purposes of this section the holding of less than five percent (5%) of the stock of a corporation is not considered an interest.

(3) No member of the general assembly, officer or employe thereof or officer or employe of any agency shall, for compensation, appear before an agency as an expert witness.

(4) No member of the general assembly, officer or employe thereof, or officer or employe of any agency, shall act as officer or agent for the commonwealth or any agency in the transaction of any business with himself, or with any corporation, company, association or firm in which he or his spouse has any interest greater than five percent (5%), of the total value thereof.

(5) No member of the general assembly may accept any appointment as an officer or employe of the commonwealth or any agency unless he shall have first resigned his membership in the general assembly, and it shall be unlawful for the state treasurer to pay any salary by reason of such appointment until the resignation has been accepted by the officer having a duty to call a special election to fill the particular vacancy thereby created in the general assembly.

(6) No member of the legislature, officer or employe of an agency or appointee shall knowingly himself or by his partners or through any corporation which he controls or in which he owns or controls more than ten percent (10%) of the stock, or by any other person for his use or benefit or on his account, undertake, execute, hold or enjoy, in whole or in part, any contract[,] *or* agreement[,] *for* sale or purchase [of the value of twenty-five dollars ($25.00) or more], *as provided by Chapter 45 of Kentucky Revised Statutes,* made, entered into, awarded or granted by any agency, unless [said contract, agreement, sale or purchase was made or let after public notice and competitive bidding] *the provisions of said Chapter 45 are complied with.*

(7) No officer, employe or appointee of an agency, including persons who serve without salary or other payment for their services, shall knowingly receive or agree to receive, directly or indirectly, compensation for any services rendered or to be rendered, either by himself or another, in any cause, proceeding, application or other matter which is before said agency or before the department of state government in which said agency functions.

On the roll call the vote was yeas 48-Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Burch, Chandler, Clapp, Dawahare, Dietz, Donnermeyer, Dunn, Graves, Hancock, Head, Hinkle, Hurst, Isler, Kenton, Kleier, Lewis, Lindsay, Louden, Mann, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Paxton, Reynolds, Richardson, Roberts, Romines, Sale, Sharpe, Siemens, Stewart, Swinford, Thomas, Van Horn, Watkins, Wible. Nays 26-Allen, Blythe, Bowles, Brewer, Clarke, Davis, DeMarcus, Denham, Foster, Guenthner, Hardin, Hellard, Hislope, Holbrook, Hughes, Kafoglis, Karem, King, Mason, Pearman, Rattliff, Schmidt, Smith, Stephens, Stone, Vincent.

The Floor Amendment No. 2 to **SB 227** was adopted.

Representative Beshear moved that **SB 227** as amended be placed upon its passage.

On the roll call the vote was yeas 54-Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, R. Brown, Burch, Chandler, Clapp, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Head, Hinkle, Hurst, Imes, Isler, Kenton, Kleier, Lewis, Lindsay, Louden, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, Paxton, Priddy, Reynolds, Richardson, Roberts, Romines, Sale, Sharpe,

Siemens, Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, Watkins, Wible. Nays 24-Allen, Clarke, Davis, DeMarcus, Denham, Freeman, Gay, Guenthner, Hellard, Hislope, Holbrook, Hopkins, Hughes, Kafoglis, Karem, King, Mason, O'Brien, Pearman, Rattliff, Robinson, Stone, Van Horn, Vincent.

SB 227 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 227** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 291 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 81-Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, Bruce, Burch, Chandler, Clapp, Clarke, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, King, Lewis, Lindsay, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Sharpe, Siemens, Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wible. Nays 0.

SB 291 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 291** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 296 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Beshear moved that **SB 296** be placed upon its passage.

On the roll call the vote was yeas 79-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Davis, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Graves, Guenthner, Hardin, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, King, Lewis, Lindsay, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Wible. Nays 6-Allen, Blythe, Denham, Givhan, Hancock, Stone.

SB 296 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 296** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **SB 275** be deferred and that it retain its position in Orders of the Day.

Representative Swinford moved that consideration of **SB 343** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative Swinford moved that the House concur in the following Senate Amendment to **HB 390:**

Amend printed copy of **HB 390** as follows: page 2, following line 16, by adding the following new section:

"Section 2. KRS 281.770 is amended to read as follows:

In addition to all other enforcement agencies, the department of [motor] transportation *is* [and the department of revenue are] hereby authorized to issue commissions to *its* [their] employees as law enforcement officers, and such employees when so commissioned shall have all the powers of peace officers in respect to the enforcement of this chapter *and KRS Chapter 235* and all the statutes relating to *boats and boating and* motor vehicles, whether such vehicles be operated as a private carrier or for-hire carrier."

and on page 2, line 6, by deleting the words "five hundred dollars" and inserting therefore "one hundred dollars"

Agreed.

Representative Swinford moved that **HB 390** as amended be placed upon its passage.

On the roll call the vote was yeas 64-Arnold, Bennett, Benson, Beshear, Blume, Blythe, R. Brown, Bruce, Chandler, Clarke, Davis, Denham, Dietz, Donnermeyer, Foster, Gay, Givhan, Graves, Hancock, Head, Hinkle, Hislope, Holbrook, Hughes, Hurst, Isler, Karem, Kenton, King, Lindsay, Louden, Mason, May, Maynard, McBee, McBrayer, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stewart, Stone, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Wible. Nays 7-Allen, Guenthner, Holloway, Hopkins, Imes, Lewis, Stephens.

HB 390 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 390** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 37, SB 73, SB 91, SB 110, SB 124, SB 130, SB 137, SB 157, SB 165, SB 179, SB 183, SB 186, SB 219, SB 223, SB 260, SB 257, SB 263, SB 226, SB 46, SB 58, SB 181, SB 203, SB 230, SB 249, SB 255, SB 30, SB 143, SB 204, SB 56, SB 175, SB 264, SB 267, SB 274, SB 295,** and **SB 158** had been examined and found correctly enrolled. **SB 37, SB 73, SB 91, SB 110, SB 124, SB 130, SB 137, SB 157, SB 165, SB 179, SB 183, SB 186, SB 219, SB 223, SB 260, SB 257, SB 263, SB 226, SB 46, SB 58, SB 181, SB 203, SB 230, SB 249, SB 255, SB 30, SB 143, SB 204, SB 56, SB 175, SB 264, SB 267, SB 274, SB 295,** and **SB 158** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Orders of the Day (continued)

SB 5, as amended, taken from Orders of the Day. Representative Swinford moved that it be placed upon its passage. Agreed.

Representative Quickert moved that the rules be suspended for the purpose of offering a floor amendment. Agreed.

Representative Quickert moved the adoption of the following Floor Amendment No. 2 to **SB 5:**

Amend printed copy of **SB 5,** page 1, line 12, by adding after the word "employes" the following ", which conduct is lawful".

Agreed.

Representative Siemens moved that **SB 5** as amended be placed upon its passage.

Representative Richardson moved that **SB 5** as amended be laid on the Clerk's desk.

Representative Burch moved that the motion that **SB 5** as amended be laid on the Clerk's desk be tabled.

On the roll call the vote was yeas 38-Allen, Bennett, Blandford, Blume, Brewer, R. Brown, Burch, Chandler, Clarke, Dietz, Donnermeyer, Dunn. Graves, Hardin, Head, Karem, King, Lewis, Lindsay, Little, May, Maynard, McBee, McBride, Nett, O'Brien, Paxton, Priddy, Quickert, Reynolds, Roberts, Romines, Sharpe, Siemens, Smith, Thomas, Van Horn, Wible. Nays 32-Arnold, Blythe, Bowles, Clapp, Davis, DeMarcus, Denham, Foster, Guenthner, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Kleier, Mason, McBrayer, McGill, Overstreet, Rattliff, Richardson, Schmaedecke, Schmidt, Stephens, Stone, Turner, Vincent, Whitfield.

The motion that the motion that **SB 5** as amended be laid on the Clerk's desk be tabled was adopted.

On the roll call the vote was yeas 57-Bennett, Beshear, Blandford, Blume, Bowles, Brewer, R. Brown, Burch, Chandler, Clapp, Clarke, Dietz, Donnermeyer, Dunn, Givhan, Graves, Hardin, Head, Hinkle, Hughes, Imes, Isler, Karem, King, Kleier, Lewis, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, Morgan, Nett, O'Brien, Paxton, Priddy, Reynolds, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Wible. Nays 18-Allen, Arnold, Blythe, DeMarcus, Denham, Guenthner, Hellard, Holbrook, Holloway, Hopkins, Kafoglis, McGill, Richardson, Robinson, Stephens, Vincent, J. White, Whitfield.

SB 5 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 5** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 343 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 75-Arnold, Bennett, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Head, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Imes, Isler, King, Lewis, Lindsay, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stewart, Stone, Swinford, Thomas, Turner, Van Horn, Vincent, Wells, J. White, Whitfield, Wible, Yates. Nays 5-Allen, Guenthner, Karem, O'Brien, Stephens.

SB 343 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 343** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 275 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the Committee Amendment No. 1 to **SB 275.** Agreed.

Representative Swinford moved that **SB 275** as amended be placed upon its passage.

On the roll call the vote was yeas 72-Allen, Bennett, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Head, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Karem, King, Lewis, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stewart, Swinford, Thomas, Turner, Van Horn, Vincent, Wells, J. White, Whitfield, Wible, Yates. Nays 2-Stephens, Stone.

SB 275 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 275** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Hinkle moved that the House concur in the following Senate Amendment to **HB 240:**

Amend printed copy of **HB 240** as follows: on page 1, line 6, by striking the word "may" and inserting the word "shall"

Agreed.

Representative Blume moved that **HB 240** as amended be placed upon its passage.

On the roll call the vote was yeas 73-Allen, Arnold, Bennett, Beshear, Blume, Bowles, R. Brown, Burch, Chandler, Clapp, Clarke, Davis, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hughes, Imes, Isler, Karem, King, Kleier, Lewis, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, Overstreet, Pearman, Priddy, Rattliff, Reynolds, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Whitfield, Wible, Yates. Nays 0.

HB 240 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 240** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative McBrayer moved that the House concur in the following Senate Committee Substitute for **HB 650:**

HB 650, AN ACT relating to the financing of pollution control facilities for industrial concerns and utility companies by cities and counties.

WHEREAS, the operations of many industrial concerns and utility companies produce atmospheric, solid waste and water pollution, which pollution is detrimental to the health and welfare of the citizens of the Commonwealth of Kentucky, and injurious to the natural resources of the Commonwealth, and it is in the public interest that to the maximum extent possible such atmospheric, solid waste and water pollution be controlled, contained, reduced, abated and prevented; and

WHEREAS, cities and counties in Kentucky, pursuant to KRS 103.200 to 103.285, are presently vested with authority to issue tax-exempt bonds for the financing of certain pollution control facilities, such bonds being payable solely and only from revenues received from the leasing of such facilities to industrial concerns, but said cited statutory authority does not presently permit the financing of all pollution control facilities which may legally be financed by tax-exempt bonds pursuant to the provisions of Section 103 (c) of the Internal Revenue Code of 1954, as amended, and does not permit cities and counties to utilize all financing procedures capable of being utilized under said Code, and in order that atmospheric, solid waste and water pollution by industrial concerns and utility companies may be controlled, contained, reduced, abated and prevented to the maximum possible extent, it is necessary that alternative procedures be adopted and authorized to enable cities and counties to finance needed pollution control facilities to the full extent authorized by Federal law.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 103 is hereby created to read as follows:

(1)(a) The term "pollution control facilities" means any land, building, structure, machinery, equipment, device, system or facility functionally related thereto designed for the control, containment, reduction, prevention or abatement of atmospheric pollutants or contaminants, solid waste, noise, radiation, or water pollution produced by industrial concerns and utility companies, including, but not by way of limitation, any such facilities used in whole or in part to control, contain, reduce, prevent or abate atmospheric, solid waste, noise, radiation, or water pollution by removing, altering, containing, disposing or storing pollutants, contaminants, wastes, whether gaseous, solid or liquid, thermal or radioactive. Said term includes all pollution control facilities whenever constructed, reconstructed, purchased, leased or otherwise

acquired and placed in use, which may legally be financed by issuance of bonds determined to be tax-exempt pursuant to the provisions of Section 103 (c) of the Internal Revenue Code of 1954, as amended, and regulations promulgated thereunder. Pollution control facilities may be constructed as part of, and may include, facilities also designed for the recovery of chemicals or other by-products or to serve other purposes which also contribute to the control of or abatement of atmospheric, solid waste and water pollution.

(b) The term "industrial concern" means any domestic or foreign corporation, company, partnership, association, rural electric cooperative corporation, or any other legal entity.

(2) It is hereby determined and declared that the acquisition and financing of pollution control facilities for utilization by industrial concerns and utility companies by the issuance of bonds of cities and counties amortized by payments made by such industrial concerns and utility companies inures to the public interest, and constitutes the performance of a proper governmental purpose. It is the intent of this section to afford to cities and counties alternative methods of financing pollution control facilities to the end that atmospheric, solid waste and water pollution in the Commonwealth may be abated and controlled to the maximum possible extent.

(3) As an alternative to the procedure set forth in KRS 103.200 to 103.285, inclusive, any city or county, for the purpose of financing the acquisition of pollution control facilities for any industrial concern or utility company, may issue negotiable bonds pursuant to KRS 103.200 to 103.285, inclusive, and either (a) loan the proceeds from the sale of such bonds to an industrial concern or utility company to finance the acquisition of such pollution control facilities, (b) sell such pollution control facilities to an industrial concern or utility company pursuant to agreement, or (c) lease such pollution control facilities from an industrial concern or utility company and sublease same to such industrial concern or utility company. In the event of use of such alternative financing procedure, such bonds shall not constitute an indebtedness of such city or county within the meaning of the Constitution of Kentucky, but shall be payable as to principal and interest solely from the revenues derived from payments, repayments, or sublease payments made by such industrial concern or utility company to such city or county in respect of such loan, sale or sublease.

(4) In the event that an alternate procedure authorized by this section is to be utilized in the financing of pollution control facilities, (i) the provisions of KRS 103.200 to 103.285, inclusive, shall apply, except that the proceedings and procedures therein described shall contemplate and authorize a transaction in the form of (a) a loan of the proceeds from the sale of such bonds by such city or county to an industrial concern or utility company for the acquisition of such pollution control facilities, (b) a sale of such pollution control facilities to an industrial concern or utility company pursuant to agreement, or (c) a lease of such pollution control facilities from an industrial concern or utility company and sublease of same to such industrial concern or utility company; and (ii) the loan, sale lease and sublease and any agreement or contract with respect thereto may include such provisions as such city or county shall deem appropriate to effect the securing of the financing undertaken in respect of such pollution control facilities, including, but not by way of limitation, (a) the pledge of the general credit of any such industrial concern or utility company, (b) the making of guarantees to an indenture trustee or to such city or county in respect of amortization of such bonds by any such industrial concern or utility company, (c) the creation of liens of security interests on any property or portion thereof of any such industrial concern or utility company, either senior or junior to, or ranking equally with, any other lien, security interest or rights of others, including any party or parties to any agreement in connection with such financing and/or its or their respective security holders and indenture trustees or mortgage trustees, and (d) the pledge of other direct securities of such industrial concern or utility company in respect of such bonds.

(5) In the event any city or county shall finance pollution control facilities pursuant to the express authority contained in this section, title to such pollution control facilities shall not be acquired by such city or county in the case of a loan or lease transaction, and, in the case of a sale transaction, title may pass at any time, and the statutory mortgage lien for which provision is made in KRS 103.250 shall not apply to any such pollution control facilities.

(6) Bonds issued by cities and counties pursuant to the authority contained in this section may be caused to mature as to principal in term or serial maturities not to exceed thirty (30) years from date of issue.

Agreed.

Representative McBrayer moved that **HB 650,** by way of Senate Committee Substitute, be placed upon its passage.

On the roll call the vote was yeas 74-Allen, Arnold, Bennett, Beshear, Blume, Bowles, R. Brown, Burch, Chandler, Clapp, Clarke, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Hancock, Head, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Imes, Karem, King, Kleier, Lewis, Louden, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Priddy, Quickert, Reynolds, Richardson, Roberts, Romines, Sale,

Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Wible, Yates. Nays 0.

HB 650, by way of Senate Committee Substitute, was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 650,** by way of Senate Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Richardson moved that the House concur in the following Senate Amendment to **HB 333:**

Amend printed copy of **HB 333** as follows:

Page 2, lines 25 and 26 by deleting those lines in their entirety.

And, on page 3, lines 1 through 10, by deleting those lines in their entirety.

And, on page 3, line 11, by changing "Section 3." to read "Section 2."

And, on page 5, line 1, by changing "Section 4." to read "Section 3."

And, on page 5, line 15, by changing "Section 5." to read "Section 4."

And, on page 6, line 17, by changing "Section 6." to read "Section 5."

And, on page 6, line 26, by changing "Section 7." to read "Section 6."

And, on page 7, line 9, by changing "Section 8." to read "Section 7."

And, on page 7, line 19, by changing "Section 9." to read "Section 8."

And, on page 8, line 10, by changing "Section 10." to read "Section 9."

And, on page 9, line 14, by changing "Section 11." to read "Section 10."

And, on page 10, line 19, by changing "Section 12." to read "Section 11."

And, on page 10, line 26, by changing "Section 13." to read "Section 12."

And, on page 12, lines 15 through 26, by deleting those lines in their entirety.

And, on page 13, lines 1 through 26, by deleting those lines in their entirety.

And, on page 14, lines 1 through 26, by deleting those lines in their entirety.

And, on page 15, lines 1 through 26, by deleting those lines in their entirety.

And, on page 16, line 1, by deleting that line in its entirety.

And, on page 16, line 2, by changing "Section 16." to read "Section 13."

And, on page 17, line 14, by changing "Section 17." to read "Section 14."

And, on page 18, line 8, by changing "Section 18." to read "Section 15."

And, on page 19, line 4, by changing "Section 19." to read "Section 16."

And, on page 19, line 11, by changing "Section 20." to read "Section 17."

And, on page 19, line 19, by changing "Section 21." to read "Section 18."

And, on page 20, line 8, by changing "Section 22." to read "Section 19."

Agreed.

Representative Richardson moved that **HB 333** as amended be placed upon its passage.

On the roll call the vote was yeas 74-Arnold, Bennett, Beshear, Blume, Bowles, Brewer, R. Brown, Burch, Chandler, Clapp, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Hancock, Head, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Imes, Isler, Karem, King, Kleier, Lewis, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Wible, Yates. Nays 1-Allen.

HB 333 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 333** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Wible moved that the House concur in the following Senate Committee Substitute for **HB 388:**

HB 388, AN ACT relating to counties containing a population of 75,000 or more.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 64.345 is amended to read as follows:

(1) The circuit clerk, county clerk, sheriff and jailer of each county having a population of 75,000 or over shall receive an annual salary of $12,600.

(2) *In counties containing a city of the first class and in counties having an urban county form of government, the* [The] amount, if any, allowed for the necessary office expenses of each officer shall be fixed by an order entered upon the order book of the circuit court and county court, and signed by the judges or a majority thereof of the courts. *In all other counties with a population of 75,000 or more, the amount, if any, allowed for the necessary office expenses of each officer shall be fixed by the fiscal court by an order entered upon the fiscal court order book no later than January 15 of each year.* A certified copy of the orders, and of any subsequent changes made therein, shall, as soon as entered, be forwarded to the department of finance.

(3) Each officer shall, on the first day of each month, send to the department of finance a statement, subscribed and sworn to by him, showing the amount of money received or collected by or for him the preceding month, as fees or compensation for official duties, and shall, with such statements, send to the department of finance the amount so collected or received. The department of finance may extend the time for filing the statement and making the payment for a period not exceeding ten (10) days in any month.

(4) The salary of each officer and his deputies and assistants and his office expenses, shall be paid monthly by the state treasurer upon the warrant of the department of finance made payable to the officer. If seventy-five per cent (75%) of the amount paid into the state treasury in any month by any of such officers is not sufficient to pay the salaries and expenses of his office for that month, the deficit may be made up out of the amount paid in any succeeding month; but in no event shall the amount allowed by the department of finance to any officer for salaries and expenses exceed seventy-five per cent (75%) of the amount paid to the department of finance by the officer during his official term.

(5) *In counties containing a city of the first class and in counties having an urban county form of government, the* [The] number of deputies and assistants allowed to each officer and the compensation allowed to each deputy and assistant shall be fixed at reasonable amounts upon motion of each officer by an order entered upon the order book of the circuit court and county court and signed by the judges or a majority thereof of those courts. *In all other counties with a population of 75,000 or more, the number of deputies and assistants allowed to each officer and the compensation allowed to each deputy and assistant shall be fixed at reasonable amounts upon motion of each officer by the fiscal court by an order entered upon the fiscal court order book no later than January 15 of each year.* A certified copy of the orders, and of any subsequent changes made therein, shall, as soon as entered, be forwarded to the department of finance.

Representative Quickert moved that action on **HB 388,** by way of Committee Substitute, be deferred until March 20, 1974. Rejected.

Representative Wible moved that the House concur in the Senate Committee Substitute for **HB 388.** Agreed.

Representative Wible moved that **HB 388,** by way of Senate Committee Substitute, be placed upon its passage.

On the roll call the vote was yeas 71-Allen, Arnold, Bennett, Benson, Beshear, Blume, Bowles, Brewer, Burch, Chandler, Clapp, Davis, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kenton, King, Lewis, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Pearman, Paxton, Priddy, Richardson, Roberts, Robinson, Sale, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Wible, Yates. Nays 1-Nett.

HB 388, by way of Senate Committee Substitute, was passed and the title agreed to.

Representative Wible moved that the vote by which **HB 388,** by way of Senate Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that the House concur in the following Senate Amendment to **HB 391:**

Amend printed copy of **HB 391** as follows:

Page 1, line 7, deleting the word "controllable" and substituting therefore the word "controlled".

Agreed.

Representative Swinford moved that **HB 391** as amended be placed upon its passage.

On the roll call the vote was yeas 75-Allen, Arnold, Bennett, Benson, Beshear, Blume, Bowles, Brewer, Chandler, Clapp, Clarke, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Karem, Kenton, King, Lewis, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 0.

HB 391 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 391** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 348, HB 392, HB 439, HB 501, HB 508, HB 530, HB 558, HB 565, HB 570, HB 603, HB 633, HB 635, HB 636, HB 651, HB 675, HB 682, HB 687, HB 699, HCR 50,** and **HJR 53** had been examined and found correctly enrolled. **HB 348, HB 392, HB 439, HB 501, HB 508, HB 530, HB 558, HB 565, HB 570, HB 603, HB 633, HB 635, HB 636, HB 651, HB 675, HB 682, HB 687, HB 699, HCR 50,** and **HJR 53** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 348, HB 392, HB 439, HB 501, HB 508, HB 530, HB 558, HB 565, HB 570, HB 603, HB 633, HB 635, HB 636, HB 651, HB 675, HB 682, HB 687, HB 699, HCR 50, and **HJR 53** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Senate Message

Announcing passage of **HR 30** with Amendment, **HB 485** with Amendment, **HB 567** with Amendment, **HB 389** with Amendment, **HB 665** with Amendment, **HB 546, HB 560, HB 462.**

The following communication was received from the Chief Clerk of the Senate dated March 19, 1974, in regard to **SB 206:**

"The Senate has refused to concur in the House Amendments to Senate Bill No. 206 and respectfully requests that a Conference Committee be appointed by this Honorable Body.

The Senate has appointed to the Committee: Senator Smith, Senator Powers and Senator Stuart."

Orders of the Day (continued)

Representative Kafoglis moved that the House concur in the following Senate Amendment to **HB 455:**

Amend printed copy of House Bill 455 as follows: Page 2, line 18

Section 3. A new section of KRS Chapter 26 is created to read as follows:

In order to equate current compensation for services of incumbent Police Judges with the purchasing power of the dollar and to keep abreast of such compensation's initial value and purchasing power, the city legislative body may, on or before September 1, 1974, adjust within the limits of Section 1 of this act, the compensation of incumbent Police Judges.

Agreed.

Representative Kafoglis moved that **HB 455** as amended be placed upon its passage.

On the roll call the vote was yeas 46-Benson, Beshear, Blume, Bowles, Chandler, Clarke, Davis, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Hellard, Hinkle, Holbrook, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kleier, Lewis, Mann, Maynard, McBee, McBrayer, McGill, O'Brien, Paxton, Quickert, Reynolds, Richardson, Sale, Schmidt, Sharpe, Swinford, Troop, Vincent, Watkins, Wible. Nays 4-Lindsay, Robinson, Stephens, Van Horn.

HB 455 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 455** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Kenton moved that the House concur in the following Senate Amendment to **HB 520:**

Amend printed copy of **HB 520** as follows: page 2, line 26, between the words "be" and "three" insert the following: "not less than"

Also, on page 7, lines 6 through 10 by deleting them in their entirety and inserting in lieu thereof:

"(1) Any member may, at his option, retire on a service retirement annuity upon or after attainment of the age of 50 years, provided he shall have completed at least 20 years of total service. Upon fulfillment of these terms, it is mandatory that the board shall grant the retirement annuity upon receipt of the application of said member.

(2) Any member who withdraws from service prior to age 50 years after having completed at least 20 years of total service, and who does not accept a refund of contributions, shall receive, upon application, a certificate entitling him to a service retirement annuity upon his attainment of age 50, and specifying the amount of the annuity earned and accrued at the date of withdrawal from service."

Also, on page 8, line 7, after the "." strike the remainder of line 7 and lines 8 through 20 in their entirety.

Also, on page 11, line 24 by deleting the words "seventy-five" and inserting in lieu thereof the word "sixty".

Also, on page 16, line 19 after the word "members" and before the "," by inserting the following: "determined by the entry age normal cost funding method." And by striking the remainder of line 19 and lines 20 through 25 in their entirety.

Also, on page 17, line 17 by placing a "." following the word "herewith" and a bracket before the word "and". And on line 18, 19, 20, and 21 by deleting those lines in their entirety.

And on page 34, following line 18 by inserting the following:

"Section 36. A new section of KRS Chapter 95 is created to read as follows:

(1) When a member has been retired for three (3) years or attained sixty (60) years of age, whichever is later or when he would have been retired for three (3) years or attained sixty (60) years of age in the event the member is deceased, the board shall increase his retirement annuity or the annuity paid to his widow or dependent children by two percent (2%) per year; and such increase shall be granted annually thereafter by the board provided such increase is not compounded and is based on the original annuity.

(2) Notwithstanding the provisions of Subsection (1) any member who retires under disability shall be entitled to an increase in his retirement annuity, or in the event he is deceased, in the annuity paid to his widow or dependent children by two percent (2%) per year; and such increase shall be granted annually thereafter by the board provided such increase is not compounded and is based on the original annuity."

Agreed.

Representative Kenton moved that **HB 520** as amended be placed upon its passage.

On the roll call the vote was yeas 68-Adams, Allen, Arnold, Bennett, Beshear, Blume, Bowles, Brewer, Bruce, Burch, Clarke, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Kenton, King, Kleier, Lindsay, Mann, May, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Overstreet, Reynolds, Richardson, Roberts, Robinson, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, J. White, Whitfield, Wible, Yates. Nays 0.

HB 520 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 520** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Givhan moved that the House concur in the following Senate Committee Substitute to **HB 81:**

HB 81, AN ACT relating to assumed business names.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS Chapter 365 is created to read as follows:

(1) The real name of a person is the name set forth on his birth certificate; the real name of a domestic general partnership is that name which includes the real name of at least one of the partners; the real name of a domestic limited partnership is that name which includes the real name of at least one of the general partners; the real name of a domestic business trust is the name set forth in the Declaration of Trust; and the real name of a domestic corporation is the name set forth in its Articles of Incorporation. The real name of a foreign general or limited partnership and of a foreign business trust is the name recognized by the laws of the foreign state under which it is formed as being the real name; and the real name of a foreign corporation is

the name set forth in its Articles of Incorporation or the fictitious name adopted for use in this state under KRS 271A.520.

(2) No person, general or limited partnership, business trust or corporation shall conduct or transact business in this state under an assumed name or any style other than his or its real name, as defined in subsection (1) of this Act, unless such person, partnership, business trust or corporation has filed a Certificate of Assumed Name.

The certificate shall state the assumed name under which the business will be conducted or transacted, the real name of person, partnership, business trust or corporation and his or its address.

A separate certificate shall be filed for each assumed name.

No certificate to be filed with the Secretary of State shall set forth an assumed name which is identical or deceptively similar to any other assumed name or any corporate name previously filed with the Secretary of State unless the certificate is accompanied by the written consent of the prior holder of the assumed or corporate name and such word or words are added to the proposed assumed name so as to distinguish it from the previously filed assumed or corporate name.

The certificate shall be executed and acknowledged for a person, by the person; for a general partnership, by all the partners; for a limited partnership, by a general partner; for a business trust, by the trustees; for a corporation, by its president or vice president and secretary of assistant secretary.

(3) The Certificate of Assumed Name for a person shall be filed with the County Court Clerk of each county wherein business will be conducted or transacted under an assumed name. The Certificate of Assumed Name for a general or limited partnership, business trust or corporation shall be filed with the Secretary of State and with the County Court Clerk of each county wherein business will be conducted or transacted under an assumed name.

(4) The Certificate of Assumed Name may be withdrawn by filing a certificate in the office wherein the original Certificate of Assumed Name was filed. The Certificate of Withdrawal shall state the assumed name, the real name and address of the party transacting business and the date upon which the original certificate was filed. The Certificate of Withdrawal shall be signed and acknowledged as required in subsection (2) of this Act.

(5) The County Court Clerk shall receive a fee of one dollar ($1.00) for filing each certificate, and the Secretary of State shall receive a fee of ten dollars ($10.00) for filing each certificate.

Section 2. KRS 365.010 is hereby repealed.

Agreed.

Representative Givhan moved that **HB 81,** by way of Senate Committee Substitute, be placed upon its passage.

On the roll call the vote was yeas 66-Adams, Allen, Arnold, Bennett, Beshear, Blume, Bowles, Bruce, Burch, Chandler, Davis, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hughes, Imes, Isler, Kafoglis, Kenton, King, Kleier, Lewis, Lindsay, Mann, May, McBee, McBrayer, McGill, O'Brien, Priddy, Quickert, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Wells, J. White, Whitfield, Wible. Nays 0.

HB 81, by way of Senate Committee Substitute, was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 81,** by way of Senate Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that the House concur in the following Senate Amendment to **HB 544:**

Amend printed copy of **HB 544** as follows:

On page 7, line 17, by deleting the word "Franklin" and adding the following after the word "Court": "where the violation occurs"

And on page 7, line 17, by deleting the word "concurrent".

On page 5, line 11, by deleting the word "No"; and by striking everything contained in lines 12, 13, and 14;

and, on page 5, line 19, by deleting the words "and drainage";

and, on page 7, line 10, by inserting after the word "No" the following: "permanent"

and on page 7, line 11, by inserting before the word "plumbing" the following: "interior"

and on page 5, line 22, by deleting the words "and drainage"

Agreed.

Representative Swinford moved that **HB 544** as amended be placed upon its passage.

On the roll call the vote was yeas 52-Adams, Bennett, Blume, Bowles, Brewer, Chandler, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Head, Hinkle, Holbrook, Holloway, Hughes, Isler, Kafoglis, Kenton, King, Kleier, Lewis, Mann, May, Maynard, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Priddy, Reynolds, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stewart, Swinford, Turner, Van Horn, Vincent, Watkins, Wible, Yates. Nays 9-Allen, Bruce, Davis, Hellard, Imes, Lindsay, Robinson, J. White, Whitfield.

HB 544 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 544** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that the House concur in the following Senate Amendment to **HB 393:**

Amend printed copy of **HB 393** as follows:

Page 13, line 6, by bracketing "Crestwood" and inserting thereafter "*Crestview*"

Agreed.

On the roll call the vote was yeas 61-Arnold, Bennett, Beshear, Blume, Bowles, Brewer, Bruce, Burch, Chandler, Davis, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Imes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lewis, Little, Mann, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Priddy, Quickert, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stewart, Stone, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, Whitfield, Wible, Yates. Nays 4-Allen, Denham, Lindsay, Robinson.

HB 393 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 393** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Lewis read the following Majority Conference Committee report in regard to **HCR 29:**

"It is the recommendation of the Committee on Conference to concur with the Senate and the Committee on Conference thereby does concur on Senate amendments Number 1 and Number 2 to House Resolution 29."

The following Minority Report of the Conference Committee, dated March 18, 1974, was filed by Representatives Richardson and Kafoglis:

"We the undersigned, members of the House Conference Committee appointed to confer with the Senate on the failure of the House to concur in the Senate amendment to House Concurrent Resolution 29, do hereby file the following minority report:

We recommend to the House of Representatives that it does not concur with the Senate Amendment to House Concurrent Resolution 29."

Representative Hopkins moved that the rules be suspended for the purpose of opening the roll call machine for a vote to show how the members stand on busing.

On the roll call the vote was yeas 63-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blythe, Bowles, Brewer, R. Brown, Burch, Chandler, Davis, Dawahare, DeMarcus, Dunn, Foster, Freeman, Gay, Givhan, Guenthner, Hardin, Hellard, Hislope, Hopkins, Hughes, Imes, Isler, Karem, Kenton, King, Lewis, Lindsay, Little, Mason, May, Maynard, McBee, McBrayer, McGill, Morgan, Nett, Overstreet, Pearman, Priddy, Rattliff, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Troop, Van Horn, Watkins, J. White, Whitfield, Wible, Yates. Nays 9-Blume, Donnermeyer, Graves, Holbrook, Holloway, Kafoglis, O'Brien, Stone, Vincent.

The motion that the rules be suspended for the purpose of opening the roll call machine for a vote to show how members stand on busing was adopted.

Representative Hopkins moved that a call of the roll be taken with a "yea" vote meaning for busing and a "nay" vote meaning against busing. Agreed.

Representative Karem moved that the motion concerning the vote on busing be amended to include the words "forced busing". Agreed.

On the roll call the vote was yeas 2-McGill, Turner. Nays 75-Adams, Allen, Arnold, Bennett, Beshear, Blandford, Blythe, Bowles, Brewer, Bruce, Burch, Chandler, Crupper, Davis, Dawahare, DeMarcus, Dietz, Dunn, Foster, Freeman, Gay, Givhan, Guenthner, Hancock, Hardin, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Karem, Kenton, King, Kleier, Lindsay, Little, Louden, Mason, May, Maynard, McBee, McBrayer, Morgan, Nett, O'Brien, Overstreet, Pearman, Priddy, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stone, Thomas, Troop, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates.

The Speaker moved that the House adopt the Majority Conference Committee report in regard to **HCR 29.**

On the roll call the vote was yeas 47-Adams, Bennett, Bowles, R. Brown, Bruce, Burch, Chandler, Clapp, Dawahare, Denham, Dunn, Foster, Graves, Guenthner, Hardin, Head, Hislope, Holloway, Hughes, Imes, Lewis, Lindsay, Little, Louden, May, McBee, McBrayer, O'Brien, Pearman, Paxton, Priddy, Reynolds, Romines, Sale, Sharpe, Siemens, Smith, Stewart, Stone, Thomas, Turner, Van Horn, Vincent, Wells, G. White, J. White, Yates. Nays 42-Allen, Arnold, Benson, Beshear, Blandford, Blume, Blythe, Brewer, Clarke, Crupper, Davis, DeMarcus, Donnermeyer, Givhan, Hancock, Hellard, Holbrook, Hopkins, Isler, Kafoglis, Karem, Kenton, King, Kleier, Mann, Mason, Maynard, McBride, McGill, Nett, Overstreet, Quickert, Rattliff, Richardson, Roberts, Robinson, Schmaedecke, Stephens, Troop, Watkins, Whitfield, Wible.

The motion that the House adopt the Majority Conference Committee report in regard to **HCR 29** was adopted.

Representative Priddy moved that **HCR 29** as amended be placed upon its passage.

On the roll call the vote was yeas 54-Adams, Allen, Bennett, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Graves, Guenthner, Hardin, Head, Hislope, Holloway, Hughes, Imes, Lewis, Lindsay, Little, Louden, Mason, May, McBee, McBrayer, Morgan, O'Brien, Pearman, Paxton, Priddy, Reynolds, Romines, Sale, Sharpe, Siemens, Smith, Stewart, Stone, Thomas, Turner, Van Horn, Vincent, Wells, G. White, J. White, Yates. Nays 37-Arnold, Benson, Beshear, Blandford, Blume, Blythe, Clarke, Crupper, Davis, Givhan, Hancock, Hellard, Holbrook, Hopkins, Isler, Kafoglis, Karem, Kenton, King, Kleier, Mann, Maynard, McBride, McGill, Nett, Overstreet, Quickert, Rattliff, Richardson, Robinson, Schmaedecke, Stephens, Swinford, Troop, Watkins, Whitfield, Wible.

HCR 29 as amended was passed and the title agreed to.

Representative Priddy moved that the vote by which **HCR 29** as amended was passed be reconsidered and said motion be postponed indefinitely.

On the roll call the vote was yeas 40-Allen, Bennett, Blandford, Blume, Bowles, R. Brown, Bruce, Chandler, Clapp, Denham, Donnermeyer, Dunn, Foster, Gay, Graves, Guenthner, Hardin, Head, Hislope,

Holloway, Hughes, Lewis, Little, Louden, May, McBee, O'Brien, Pearman, Priddy, Reynolds, Romines, Sale, Siemens, Smith, Stewart, Turner, Van Horn, Wells, J. White, Yates. Nays 40-Adams, Arnold, Benson, Beshear, Blythe, Burch, Clarke, Crupper, Davis, Dawahare, Givhan, Hancock, Hellard, Holbrook, Hopkins, Isler, Kafoglis, Karem, King, Kleier, Lindsay, Mann, Mason, Maynard, McBride, McGill, Nett, Overstreet, Rattliff, Richardson, Robinson, Schmaedecke, Stephens, Stone, Swinford, Thomas, Troop, Watkins, Whitfield, Wible.

The motion that the vote by which **HCR 29** as amended was passed be reconsidered and said motion be postponed indefinitely was rejected.

Representative Swinford moved that the rules be suspended to adjourn by voice vote. Agreed.

Representative Swinford moved that when the House adjourns, it do so until 10:00 a.m., March 20, 1974. Agreed.

Senate Message

The following communication was received from the Chief Clerk of the Senate dated March 19, 1974, in regard to **SB 114:**

"The Senate has refused to concur in the House Amendment to Senate Bill No. 114 and respectfully requests this Honorable Body to recede from its amendment."

Representative Swinford moved that the rules be suspended for the purpose of his making a request that he be shown as voting "nay" on the Majority Conference Committee Report on **HCR 29.** Agreed.

Representative Swinford moved that the rules be suspended for Introduction of Resolutions, Report of Committees, and adoption of Legislative Citations. Agreed.

Introduction of Bills and Resolutions

HCR 113, by Representative Swinford: A CONCURRENT RESOLUTION relating to amendment of bills originating in the Senate.

HR 114, by Representative Freeman: A RESOLUTION requesting the Kentucky High School Athletic Association to establish two classifications for Kentucky high school basketball teams, and to provide championship tournaments for each classification.

Representative Swinford moved that the Legislative Citations be read. Agreed.

Representative Swinford moved that the Legislative Citations be adopted.

The motion that the Legislative Citations be adopted was adopted.

The following Citations were adopted by voice vote:

The House of Representatives of the Commonwealth of Kentucky hereby honors Ricky Daniel for his outstanding performance as a member of the Central High School Yellowjackets Basketball Team in its victory over Male High School to win the 1974 Kentucky State High School Basketball Tournament. (Sponsored by Representative McGill)

The House of Representatives of the Commonwealth of Kentucky honors William Duncan for his outstanding performance as a member of the Central High School Yellowjackets Basketball Team in its victory over Male High School to win the 1974 Kentucky State High School Basketball Tournament. (Sponsored by Representative McGill)

The House of Representatives of the Commonwealth of Kentucky hereby honors Duncan Hill for his outstanding performance as a member of the Central High School Yellowjackets Basketball Team in its victory over Male High School to win the 1974 Kentucky State High School Basketball Tournament.

(Sponsored by Representative McGill)

The House of Representatives of the Commonwealth of Kentucky hereby honors Dow Buford for his outstanding performance as a member of the Central High School Yellowjackets Basketball Team in its victory over Male High School to win the 1974 Kentucky State High School Basketball Tournament. (Sponsored by Representative McGill)

The House of Representatives of the Commonwealth of Kentucky hereby honors Keith Rudolph for his outstanding performance as a member of the Central High School Yellowjackets Basketball Team in its victory over Male High School to win the 1974 Kentucky State High School Basketball Tournament. (Sponsored by Representative McGill)

The House of Representatives of the Commonwealth of Kentucky hereby honors Darryl Yarbrough for his outstanding performance as a member of the Central High School Yellowjackets Basketball Team in its victory over Male High School to win the 1974 Kentucky State High School Basketball Tournament. (Sponsored by Representative McGill)

The House of Representatives of the Commonwealth of Kentucky hereby honors Carlos Hampton for his outstanding performance as a member of the Central High School Yellowjackets Basketball Team in its victory over Male High School to win the 1974 Kentucky State High School Basketball Tournament. (Sponsored by Representative McGill)

The House of Representatives of the Commonwealth of Kentucky hereby honors Glenn Thomas for his outstanding performance as a member of the Central High School Yellowjackets Basketball Team in its victory over Male High School to win the 1974 Kentucky State High School Basketball Tournament. (Sponsored by Representative McGill)

The House of Representatives of the Commonwealth of Kentucky hereby honors Tyrone Campbell for his outstanding performance as a member of the Central High School Yellowjackets Basketball Team in its victory over Male High School to win the 1974 Kentucky State High School Basketball Tournament. (Sponsored by Representative McGill)

The House of Representatives of the Commonwealth of Kentucky hereby honors Robert Miller for his outstanding performance as a member of the Central High School Yellowjackets Basketball Team in its victory over Male High School to win the 1974 Kentucky State High School Basketball Tournament. (Sponsored by Representative McGill)

The House of Representatives of the Commonwealth of Kentucky hereby commends James Aubrey, U.A.W.; Paul Grose, Associated Firefighters of Kentucky; Charlie Head, United Mine Workers; Mrs. Louise Hite, President, KEA; Daniel G. Koons, International Representative, American Federation of State, County and Municipal Employees; Eugene Land, U.A.W.; M. C. Miller, Lexington Firefighters; Richard Miller, K. F. of T.; Martha Russell, Kentucky Nurses Association; Harry Schaffer, Kentucky AFL-CIO; Herb Segal, Attorney; Scotty Smith, Kentucky AFL-CIO; John Stewart, Attorney; Miss Ann Wall, L.E.A., for their diligent efforts in behalf of collective bargaining for public employees which resulted in H.B. 50 of the 1974 Session of the General Assembly. (Sponsored by Representatives Priddy, Siemens and Yates.)

The House of Representatives of the Commonwealth of Kentucky hereby honors the Fleming County Panthers for representing the Tenth Region in the Kentucky High School Basketball Tournament. This body congratulates the team members and Coach Robert Hall for making Fleming County's first appearance in the Sweet Sixteen competition. (Sponsored by Representative Denham)

The House of Representatives of the Commonwealth of Kentucky hereby expresses appreciation to Jerry Mahoney for having served on the 1972 Return Ball Committee which did such an outstanding job in assuring the success of the Return Assembly Ball. (Sponsored by Representative Blume)

The House of Representatives of the Commonwealth of Kentucky hereby expresses appreciation to Melvin C. Miller for having served on the 1972 Return Ball Committee which did such an outstanding job in assuring the success of the Return Assembly Ball. (Sponsored by Representative Blume)

The House of Representatives of the Commonwealth of Kentucky hereby expresses appreciation to Wayne Smith for having served on the 1972 Return Ball Committee which did such an outstanding job in

assuring the success of the Return Assembly Ball. (Sponsored by Representative Blume)

The House of Representatives of the Commonwealth of Kentucky hereby commends the County of McCracken upon the occasion of the sesquicentennial anniversary of its creation as the 78th component county of the Commonwealth, by Act of the General Assembly December 18, 1824;

And, further commends the citizens of the County of McCracken for their heritage and the progress they have contributed toward the common good of our Commonwealth. (Sponsored by Representative Morgan)

The House of Representatives of the Commonwealth of Kentucky hereby commends the Harrison County Varsity Cheerleading Squad and their sponsors, Judy Emery, Bobbie Crum, and Barbara Snopek, for their outstanding performance in winning their fifth regional title and for proficiently representing the Tenth Region in the State Cheerleading Competition. (Sponsored by Representative Swinford)

The House of Representatives of the Commonwealth of Kentucky hereby honors Flenoil Crook for his outstanding performance as a member of the Central High School Yellowjackets Basketball Team in its victory over Male High School to win the 1974 Kentucky State High School Basketball Tournament. (Sponsored by Representative McGill)

The House of Representatives of the Commonwealth of Kentucky hereby honors Miss Mary Helen Timperman for her work as a social worker at the Federal Youth Center in Summit, Kentucky, from August, 1971 through May 1, 1972. The month of March being Social Work Month, it is appropriate to honor an outstanding social worker specifically for her work in Summit and for driving four hundred twenty-four miles round trip weekly in order to help the youth of Kentucky. Ms. Timperman's dedication and sacrifice are a credit to the Kent School of Social Work from which she graduated in May, 1972, and a credit to the Department of Human Resources where she now works. (Sponsored by Representative Holbrook)

The House of Representatives of the Commonwealth of Kentucky hereby honors Carr Creek High School for the contributions it has made to high school basketball in this Commonwealth. The basketball heritage of Carr Creek includes the sensational game against Ashland in the finals of the 1928 state high school basketball tournament which ended in four overtimes and a score of 13-11, with Ashland the winner. Carr Creek captured the attention and the hearts of Kentuckians as the players' skill and love of the game became so evident.

Through the years Carr Creek remained a threat to all challengers and in 1956 won the State High School Championship.

This body recognized Carr Creek High School as a legend in Kentucky high school basketball. (Sponsored by Representative Adams)

The House of Representatives of the Commonwealth of Kentucky hereby commends the Kentucky State University Basketball Team and Coach Lucias Mitchell for their outstanding record during the last five years in the National Association for Intercollegiates Athletes. It is with pride that the Thorobreds have been the NAIA Champions in 1970, 1971, and 1972, and have a 24-0 record for the 1973-74 season rating third in the NAIA. (Sponsored by Representative Hancock)

The House of Representatives of the Commonwealth of Kentucky hereby honors Kim Miller for his outstanding performance as a member of the Central High School Yellowjackets Basketball Team in its victory over Male High School to win the 1974 Kentucky State High School Basketball Tournament. (Sponsored by Representative McGill)

The Speaker appointed the following Conference Committee in regard to **SB 135:** Representatives McGill, Benson, and Overstreet.

Report of Committees

The Committee on Rules reported the following Bills and Resolutions have been posted for passage in Orders of the Day: **HB 858, HR 92, SB 5, SB 100** with Committee Amendment attached thereto, **HB 197** with Committee Amendment attached thereto, **HB 227, HB 291, HB 296, SB 343, HB 606, SB 44, SB 125,**

SB 168, SB 214, SB 215, SB 2 with Committee Amendment attached thereto, **SB 106, SB 146,** and **SB 275** with Committee Amendment attached thereto.

The Committee on Rules reported the following Bills and Resolutions have been recommitted to committees for further study: **HB 661** to Highways and Traffic Safety; **HB 740** to Business Organizations and Professions; **HB 825** to Judiciary; **HR 16** to Education; **HR 47** to Education; **HR 64** to Education; **HR 72** to Education; **HJR 85** to Highways and Traffic Safety; **HB 221** with Committee Amendment attached thereto, to Education; **HJR 78** to Elections and Constitutional Amendments; **HB 299** with Committee Substitute attached thereto, to Judiciary; **HB 387** with Committee Substitute attached thereto, to Banking and Insurance; **HB 705** with Committee Substitute attached thereto, to Appropriations and Revenue; **HB 760** to Health and Welfare; **HB 768** to Education; **HB 769,** with Committee Amendment attached thereto, to Business Organizations and Professions; **HB 796,** with Committee Amendment attached thereto, to Health and Welfare; **HR 96** to Highways and Traffic Safety; **HB 628** to Agriculture and Natural Resources; **HB 784,** with Committee Substitute attached thereto, to State Government; **HB 797** to Judiciary; and **SB 205** to State Government.

Recess

Representative Swinford moved that the House recess for thirty minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Announcements

The Clerk announced the following Floor Amendments were filed: No. 2 to **SB 276,** Representative Little; No. 1 to **SB 334,** Representative Schmaedecke; Nos. 4 and 5 to **SB 331,** Representative Clarke; No. 1 to **SB 315,** Representative King; No. 2 to **SB 315,** Representative R. Brown; No. 1 to **SB 332,** Representative Clarke; No. 2 to **SB 5,** Representative Quickert; No. 1 to **SB 302,** Representative Richardson; Nos. 1 and 2 to **SB 159,** by Representative Pearman; Nos. 1 and 2 to **SB 72,** by Representative Stephens.

Adjournment

Representative Swinford moved that the House adjourn until 10:00 a.m., Wednesday, March 20, 1974. Agreed.

WEDNESDAY, MARCH 20, 1974

FIFTY-EIGHTH LEGISLATIVE DAY

The House was called to order by Speaker Blume.

Prayer by the Reverend Herman Bowers, First Baptist Church, Frankfort.

The roll was called. All present except Representatives E. Brown, Gay, Harris, and Wells.

Representative Isler moved that absent members be granted leave of absence in accordance with the rules of the House. Agreed.

The following members filed excuses: Representatives E. Brown, Gay, Harris, and Wells.

Representative Hughes moved that the reading of the Journal of March 19, 1974, be dispensed with and the same approved. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 378, HB 462, HB 81, HB 240, HB 333, HB 388, HB 390, HB 391, HB 393, HB 455, HB 483, HB 520, HB 546, HB 544, HB 560, HB 573, HB 588, HB 634** and **HB 650** had been examined and found correctly enrolled. **HB 378, HB 462, HB 81, HB 240, HB 333, HB 388, HB 390, HB 391, HB 393, HB 455, HB 483, HB 520, HB 546, HB 544, HB 560, HB 573, HB 588, HB 634,** and **HB 650** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 378, HB 462, HB 81, HB 240, HB 333, HB 388, HB 390, HB 391, HB 393, HB 455, HB 483, HB 520, HB 546, HB 544, HB 560, HB 573, HB 588, HB 634, and **HB 650** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Senate Message

Announcing passage of **HB 67, HB 233, HB 497, HB 467, HB 710, HB 723, HB 750, HB 232** with Amendment, **HB 9** with Amendment, **HB 517** with Committee Substitute, **HB 174** with Amendment, **HB 369** with Amendment, **HB 538** with Amendment, **HB 68** with Amendment, **HB 125** with Amendment, **HB 579** with Amendment, and **HB 581** with Amendment.

Report of Committees

The Committee on Rules reported **SB 254, SB 256, SB 331, SB 334, SB 216, SB 42, SB 242, SB 84, SB 259, SJR 50,** and **SB 269** have been posted for passage in Orders of the Day.

Motions, Petitions and Communications

The Speaker appointed the following Conference Committee in regard to **SB 206:** Representatives Dunn, Blythe, and Blume.

Recess

Representative Reynolds moved that the House recess for thirty minutes for a Majority meeting. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Motions, Petitions, and Communications

Representative Romines moved that **SB 331** be recommitted to the Committee on Appropriations and Revenue.

On the roll call the vote was yeas 8-Allen, Blythe, DeMarcus, Hopkins, Karem, Romines, Van Horn, Yates. Nays 59-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Givhan, Graves, Hancock, Head, Hinkle, Hislope, Hughes, Kafoglis, Kenton, Lewis, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Paxton, Priddy, Reynolds, Richardson, Robinson, Sale, Schmidt, Sharpe, Siemens, Stephens, Swinford, Thomas, Turner, Vincent, J. White, Whitfield, Wible.

The motion that **SB 331** be recommitted to the Committee on Appropriations and Revenue was rejected.

Orders of the Day

Representative Swinford moved that **HB 658** and **HB 659** be deferred and that they retain their position in Orders of the Day. Agreed.

SB 159 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pearman moved the adoption of the following Floor Amendment No. 1 to **SB 159:**

Amend printed copy of Senate Bill 159 on page 3, by adding after line 5 the following:

"Section 2. KRS 304.15-020 is amended to read as follows:

(1) "Industrial life insurance" is that form of life insurance written under policies of face amount of $3,000 or less issued on the basis of an industrial mortality table, and under which premiums are payable monthly or more often.

(2) "Wholesale life insurance" is that plan of life insurance, other than salary savings life insurance or pension trust insurance and annuities, under which individual policies are issued to the employes of any employer and where such policies are issued on the lives of not less than four (4) employes at date of issue. Premiums for such policies shall be paid either wholly from the employer's funds, or funds contributed by him, or partly from such funds and partly funds contributed by the insured employes.

(3) "College life insurance" is that form of life insurance sold to college students, the initial premiums for which are financed by a promissory note.

Section 3. A new section of Subtitle 15 of KRS Chapter 304 is created to read as follows:

(1) No college life insurance policy shall be sold or delivered in this Commonwealth unless the following provisions are complied with:

(a) A letter of acceptance, on a form approved by the commissioner is presented to the proposed insured, setting forth the conditions concerning the financing agreement, the due date of the note, the amount of the note, the annual rate of interest on the note, and the annual premium on the policy.

(b) The acceptance letter must be signed by the proposed insured, agreeing that he has read and understands the conditions, a copy to be retained by the insured, and a copy to be retained by the agent and company.

(c) A copy of a financing arrangement is to be attached to and made a part of the contract.

Section 4. A new section of Subtitle 15 of KRS Chapter 304 is created to read as follows:

(1) All college life insurance policies shall contain a provision there or in a separate rider attached thereto when delivered, stating in substance that the person to whom the policy is issued shall be permitted to return the policy within 15 days of its delivery to such person and have a refund of the premium paid if after examination of the policy the purchaser is not satisfied with it for any reason. If the provision is not printed on the face page or filing back of the policy, notice of the provision should be printed or stamped on the face page or filing back of the policy.

(2) The policy may be so returned to the insurer at its principal or branch office or to the agent through whom it was applied for, and thereupon shall be void as from the beginning and as if the policy had not been issued."

Agreed.

Representative Swinford moved that **SB 159** as amended be placed upon its passage.

On the roll call the vote was yeas 76-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blume, Bowles, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Head, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Karem, Kenton, Kidd, King, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stone, Swinford, Turner, Vincent, J. White, Whitfield, Wible, Yates. Nays 1-Van Horn

SB 159 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 159** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that **HB 858** be recommitted to the Committee on Cities. Agreed.

SB 42, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mason moved the adoption of the Committee Amendment No. 1 to **SB 42.** Agreed.

Representative Mason moved that **SB 42** as amended be placed upon its passage.

On the roll call the vote was yeas 78-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Bowles, Brewer, R. Brown, Burch, Clapp, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Hancock, Head, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kenton, Kidd, King, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stone, Swinford, Thomas, Troop, Turner, Vincent, Watkins, G. White, J. White, Whitfield, Yates. Nays 11-Chandler, Clarke, Freeman, Graves, Hellard, Hinkle, Imes, Kafoglis, Karem, Van Horn, Wible.

SB 42, as amended, was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 42,** as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 60, SB 127, SB 200, SB 208, SB 247, SB 168, SB 224, SB 225, SB 234, SB 44, SB 106, SB 125, SB 146, SB 214, SB 291, SB 296, SB 343,** and **SB 298** had been examined and found correctly enrolled. **SB 60, SB 127, SB 200, SB 208, SB 247, SB 168, SB 224, SB 225, SB 234, SB 44, SB 106, SB 125, SB 146, SB 214, SB 291, SB 296, SB 343,** and **SB 298** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Senate Message

Announcing passage of **SR 71.**

HR 29 was returned with the following communication dated March 20, 1974: "As a result of the Conference Committee Report on House Resolution No. 29, we are returning it to this Honorable Body for concurrence in the amendments and enrollment."

Orders of the Day (continued)

SB 216 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved that **SB 216** be placed upon its passage.

On the roll call the vote was yeas 54-Bennett, Benson, Beshear, Blandford, Blume, Bowles, Brewer, Bruce, Burch, Chandler, Clapp, DeMarcus, Denham, Dietz, Donnermeyer, Graves, Head, Hinkle, Hislope, Holloway, Hopkins, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Little, Mann, Maynard, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Reynolds, Richardson, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stone, Swinford, Thomas, Troop, Turner, Vincent, Watkins, Whitfield, Wible. Nays 22-Adams, Allen, Arnold, R. Brown, Clarke, Davis, Dawahare, Foster, Freeman, Givhan, Hancock, Hellard, Holbrook, Hurst, Imes, Lindsay, Mason, McBrayer, Rattliff, Robinson, Stephens, Van Horn.

SB 216 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 216** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 331 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved that the Previous Question be adopted on **SB 331.**

On the roll call the vote was yeas 59-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Crupper, Dawahare, Denham, Dietz, Donnermeyer, Foster, Givhan, Graves, Head, Hellard, Holloway, Hughes, Imes, Kenton, Kidd, King, Lewis, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Pearman, Paxton, Priddy, Reynolds, Richardson, Roberts, Robinson, Sale, Sharpe, Swinford, Thomas, Troop, Vincent, Watkins, G. White, J. White, Whitfield, Wible. Nays 22-Allen, Blythe, Clarke, DeMarcus, Freeman, Hislope, Hopkins, Kafoglis, Karem, Lindsay, Nett, Overstreet, Rattliff, Romines, Schmaedecke, Schmidt, Smith, Stephens, Stone, Turner, Van Horn, Yates.

The motion that the Previous Question be adopted on **SB 331** was adopted.

On the roll call the vote was yeas 69-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Crupper, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Givhan, Graves, Hancock, Head, Hinkle, Hislope, Holbrook, Holloway, Hughes, Imes, Kenton, Kidd, Lewis, Little, Louden, Mann, May, McBee, McBrayer, McBride, McGill, Morgan, Overstreet, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Roberts, Robinson, Sale, Schmidt, Sharpe, Siemens, Stone, Swinford, Thomas, Troop, Turner, Vincent, Watkins, G. White, J. White, Whitfield, Wible. Nays 22-Allen, Blythe, Clarke, DeMarcus, Hellard, Hopkins, Isler, Kafoglis, Karem, King, Kleier, Lindsay, Mason, Maynard, Nett, O'Brien, Romines, Schmaedecke, Smith, Stephens, Van Horn, Yates.

SB 331 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 331** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 332 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Swinford moved the adoption of the following Floor Amendment No. 2 to **SB 332:**

Amend printed copy of Senate Bill 332 on page 10, lines 20, 21, and 22 by deleting lines 20, 21, and 22 in their entirety and inserting in lieu thereof the words "provided in KRS 189.222".;

and on page 11 line 1 by deleting "(c)"

The Floor Amendment No. 2 to **SB 332** was adopted.

Representative Swinford moved that the Previous Question be adopted on **SB 332.**

On the roll call the vote was yeas 60-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Crupper, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Head, Hinkle, Hughes, Imes, Kenton, Kidd, King, Lewis, Little, Louden, Mann, May, McBee, McBrayer, McBride, McGill, Morgan, Pearman, Paxton, Priddy, Reynolds, Richardson, Roberts, Robinson, Sale, Sharpe, Siemens, Stone, Swinford, Thomas, Turner, Vincent, Watkins, G. White, J. White, Whitfield, Wible. Nays 24-Allen, Blythe, Clarke, Davis, DeMarcus, Freeman, Hislope, Holbrook, Holloway, Hopkins, Kafoglis, Kleier, Lindsay, Mason, Maynard, Nett, Overstreet, Rattliff, Romines, Schmaedecke, Schmidt, Stephens, Van Horn, Yates.

The motion that the Previous Question on **SB 332** be adopted was adopted.

Representative Swinford moved that **SB 332** as amended be placed upon its passage.

On the roll call the vote was yeas 68-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Graves, Head, Hinkle, Hislope, Hopkins, Hughes, Imes, Kenton, Kidd, Lewis, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Overstreet, Pearman, Paxton, Priddy, Reynolds, Roberts, Robinson, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, G. White, J. White, Whitfield, Wible. Nays 18-Allen, Clarke, Givhan, Hancock, Hellard, Holbrook, Holloway, Isler, Kafoglis, Kleier, Lindsay, Nett, O'Brien, Rattliff, Richardson, Romines, Stephens, Yates.

SB 332 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 332** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 414, HB 467, HB 497,** and **HB 723** had been examined and found correctly enrolled. **HB 414, HB 467, HB 497,** and **HB 723** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 414, HB 467, HB 497, and **HB 723** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Recess

Representative Swinford moved that the House recess until 1:45 P.M. Agreed.

At the appointed hour, Representative DeMarcus assumed the Chair and called the House to order.

Orders of the Day (continued)

Representative Swinford moved that consideration of **SB 242** be deferred and that it retain its position in Orders of the Day. Agreed.

SB 254 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McBee moved that **SB 254** be placed upon its passage.

On the roll call the vote was yeas 64-Adams, Allen, Arnold, Bennett, Blandford, Bowles, Brewer, Chandler, Clapp, Crupper, Davis, Dawahare, DeMarcus, Dietz, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Rattliff, Roberts, Romines, Sale, Schmidt, Sharpe, Siemens, Smith, Stewart, Swinford, Turner, G. White, J. White. Nays 3-Denham, Hellard, Imes.

SB 254 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 254** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 256 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 67-Arnold, Bennett, Benson, Blandford, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Dawahare, DeMarcus, Dietz, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Rattliff, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stewart, Stone, Swinford, Turner, Vincent, Watkins, G. White, J. White. Nays 5-Allen, Crupper, Davis, Denham, Hislope.

SB 256 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 256** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Robinson moved that consideration of **SB 242** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative Swinford moved that consideration of **SB 259,** with Committee Amendment attached thereto, be deferred and that it retain its position in Orders of the Day. Agreed.

SB 269 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richardson moved the adoption of the following Floor Amendment No. 1 to **SB 269:**

Amend printed copy of Senate Bill 269 on page 1, line 3 by adding a new section to read as follows:

Section 2. A new section of KRS Chapter 81 is created to read as follows:

Civil actions against a city of this state which is located in two or more counties shall be brought in the county in which the seat of government of the city is located.

Agreed.

Representative Richardson moved that **SB 269** as amended be placed upon its passage.

On the roll call the vote was yeas 81-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Bowles, Brewer, R. Brown, Bruce, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins,

Wells, Whitfield, Yates. Nays 0.

SB 269 was passed.

Representative Swinford moved that the vote by which **SB 269** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that the following Title Amendment (Floor Amendment No. 2) to **SB 269** be adopted.

Amend printed copy of Senate Bill 269 on page 1, by deleting the title and inserting a new title to read as follows:

An Act relating to cities.

Agreed.

Representative Swinford moved that the vote by which the Title Amendment to **SB 269** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Schmidt moved that the House allow the Senate to attach **HB 556** as an amendment to **HB 92.**

Representative Blandford moved that the motion that the House allow the Senate to attach **HB 556** as an amendment to **HB 92** be laid on the table.

On the roll call the vote was yeas 29-Allen, Bennett, Benson, Blandford, Davis, Dawahare, Givhan, Graves, Head, Hellard, Hinkle, Holbrook, Hurst, Kleier, Lindsay, May, McBrayer, McBride, Pearman, Paxton, Richardson, Robinson, Stewart, Stone, Thomas, Turner, Van Horn, Watkins, Yates. Nays 37-Arnold, Beshear, Brewer, Bruce, Clarke, Crupper, DeMarcus, Denham, Dietz, Guenthner, Hancock, Hardin, Hislope, Holloway, Isler, Karem, Kenton, King, Little, Mann, Mason, McBee, McGill, Nett, Overstreet, Quickert, Roberts, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Vincent, Whitfield.

The motion that the motion that the House allow the Senate to attach **HB 556** as an amendment to **HB 92** be laid on the table was rejected.

Representative Holbrook moved that the motion that the House allow the Senate to attach **HB 556** as an amendment to **HB 92** be laid on the Clerk's desk.

On the roll call the vote was yeas 35-Bennett, Benson, Blandford, Bowles, Burch, Chandler, Clarke, Davis, Givhan, Graves, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Hurst, Kafoglis, May, McBrayer, McBride, Overstreet, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Siemens, Smith, Thomas, Van Horn, Watkins, Wells, Wible. Nays 41-Allen, Arnold, Beshear, Brewer, Bruce, Clapp, Crupper, Dawahare, DeMarcus, Denham, Dietz, Hancock, Hardin, Holloway, Imes, Isler, Karem, Kenton, Kidd, King, Little, Mason, McBee, Morgan, Nett, O'Brien, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stephens, Stewart, Stone, Swinford, Turner, Vincent, G. White, J. White, Whitfield.

The motion that the motion that the House allow the Senate to attach **HB 556** as an amendment to **HB 92** be laid on the Clerk's desk was rejected.

On the roll call the vote was yeas 40-Arnold, Bennett, Beshear, Bowles, Brewer, Bruce, Burch, Clapp, Crupper, Dawahare, Denham, Dietz, Hancock, Hardin, Isler, Karem, Kenton, Kidd, King, Little, Mason, McBee, Morgan, Nett, O'Brien, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stewart, Stone, Swinford, Turner, Vincent, G. White, Whitfield. Nays 34-Benson, Blandford, Chandler, Clarke, Davis, Givhan, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Kafoglis, Kleier, Mann, May, McBrayer, McBride, Overstreet, Pearman, Paxton, Priddy, Rattliff, Richardson, Siemens, Thomas, Van Horn, Watkins, Wells, Wible. Yates.

The motion that the House allow the Senate to attach **HB 556** as an amendment to **HB 92** was adopted.

The Speaker resumed the Chair.

Report on Enrolled Bills

The Committee on Enrollment reported **HR 29, HB 67, HB 233, HB 750,** and **HB 710** had been examined and found correctly enrolled. **HR 29, HB 67, HB 233, HB 750,** and **HB 710** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HR 29, HB 67, HB 233, HB 750, and **HB 710** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (continued)

Representative Swinford moved that **HB 658** and **HB 659** be recommitted to the Committee on Highways and Traffic Safety. Agreed.

Representative Swinford moved that the House refuse to recede from its amendments to **SB 114.**

On the roll call the vote was yeas 90-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Freeman, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible, Yates. Nays 0.

The motion that the House refuse to recede from its amendments to **SB 114** was adopted.

The Speaker appointed the following Conference Committee in regard to **SB 114:** Representative Little, Chairman; Representative Quickert, and Representative Reynolds.

Representative Overstreet moved that the House not concur in the following Senate amendments to **HB 9:**

Amend printed copy of House Bill 9 as follows: page 4, line 20 by deleting the word "*Each*" and insert therfor:

"*Whenever the conveyance of mineral interests was made prior to January 1, 1950, each*"

and on page 5, following line 3 and before line 4, insert the following:

"*(8) Whenever the conveyance of mineral interests was made on January 1, 1950 or subsequent thereto, there shall be a presumption that consent to disturb the surface was given by the owner(s) of the surface.*"

and on page 5, line 4, delete "*(8)*" and insert therefor: "*(9)*"

page 5, line 1 by adding a sentence following the word consent as follows:

"*The provisions of this subsection shall not apply when the surface is owned by the Federal, State or local government.*"

page 4, line 20 by inserting after "application" and before "shall" the following:

"*to strip mine minerals severed by title from the surface prior to January 1, 1950*"

and on page 5, line 3, remove the period and insert therefor: "*; provided, however, that this subsection shall not apply to surface rights sold and transferred subsequent to January 1, 1974.*"

On the roll call the vote was yeas 77-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Graves, Guenthner, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Rattliff, Reynolds, Richardson, Roberts, Romines, Sale, Schmaedecke, Schmidt, Stephens, Stewart, Stone, Swinford, Thomas, Van Horn, Vincent, Watkins, Wells, Whitfield, Wible. Nays 4-Robinson, Sharpe, Smith, Turner.

The motion that the House not concur in the Senate Amendments to **HB 9** was adopted.

SB 242 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 73-Adams, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Burch, Chandler, Clapp, Clarke, Dawahare, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Reynolds, Richardson, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stone, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, Whitfield, Wible. Nays 7-Allen, Bruce, Davis, DeMarcus, Denham, Robinson, Stewart.

SB 242 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 242** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **SB 259** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative Swinford moved that consideration of **SB 334** and **SB 84** be deferred and that it retain its position in Orders of the Day. Agreed.

SJR 50 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved that **SJR 50** be adopted.

On the roll call the vote was yeas 89-Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Givhan, Graves, Guenthner, Hancock, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Whitfield, Wible, Yates. Nays 0.

SJR 50 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SJR 50** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Schmidt moved that the House concur in the following Senate Amendment to **HB 485:**

Amend printed copy of House Bill 485 as follows:

page 1, after line 18, add the following:

"(4) For the purpose of promoting recreational, convention and tourist activity in cities and counties served by joint playground and recreation boards established under KRS 97.035; to provide such boards with the same authority to issue revenue bonds granted to cities by KRS 58.010 to 58.150 and KRS 103.200 to 103.285; and to authorize such boards to build and issue bonds for facilities located on leasehold and permithold land."

Agreed.

Representative Swinford moved that **HB 485** as amended be placed upon its passage.

On the roll call the vote was yeas 66-Allen, Arnold, Bennett, Benson, Blandford, Blume, Bowles, Brewer, R. Brown, Burch, Chandler, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Dunn, Foster, Freeman, Givhan, Graves, Guenthner, Hancock, Head, Hinkle, Hislope, Holloway, Hughes, Imes, Isler, Karem, Kenton, Kidd, King, Lewis, Lindsay, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, O'Brien, Paxton, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stephens, Stewart, Stone, Swinford, Thomas, Turner, Van Horn, Watkins, Wells, J. White, Whitfield, Wible. Nays 1-Kafoglis.

HB 485 was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 485** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that the House concur in the following Senate Amendment to **HB 389:**

Amend printed copy of House Bill 389 as follows:

page 2, line 8 by inserting after the period the following sentence:

"The department shall accept, in lieu of the surety provided herein, the deposit by the operator of United States government securities, cash, or its equivalent in a sum equal to the principal amount of the required bond."

Agreed.

Representative Swinford moved that **HB 389** as amended be placed upon its passage.

On the roll call the vote was yeas 62-Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Burch, Chandler, Crupper, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hughes, Imes, Isler, Kafoglis, Kenton, Kidd, King, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, O'Brien, Pearman, Paxton, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Stephens, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, J. White, Wible. Nays 6-Adams, Dawahare, Hancock, Sharpe, Stewart, Stone.

HB 389 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 389** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Hopkins moved that the House concur in the following Senate Amendment to **HB 567:**

Amend printed copy of House Bill 567 as follows:

page 6, line 22 by adding the following at the end of subsection (1) of Section 9

"The owner may file in the office of the clerk of the urban-county government a written, notarized statement of intent to file such an action, indorsed by a licensed attorney at law to the effect, that in his opinion, his client has a reasonable and legitimate probable cause for such proposed litigation, in which event

the time for filing such action shall be extended for fifteen (15) days after the date such statement is filed."

and on page 6, line 23, by inserting after "filed" the following:

"or a statement of intent is filed as provided in Subsection (1) of this section"

on page 7, line 16, by inserting before "earnings" the words "payments, reserve and"

and on page 19, line 15, by deleting "all expenses resulting from the"

and by deleting all of lines 16, 17 and 18.

Agreed.

Representative Hopkins moved that **HB 567** as amended be placed upon its passage.

On the roll call the vote was yeas 63-Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Burch, Chandler, Crupper, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Graves, Guenthner, Hancock, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Kidd, King, Mann, Mason, May, Maynard, McBee, McBrayer, McGill, Nett, O'Brien, Paxton, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stephens, Stewart, Stone, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, J. White, Wible. Nays 0.

HB 567 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 567** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative King moved that the House concur in the following Senate Amendment to **HB 665:**

Amend printed copy of House Bill 665 as follows:

page 1, by inserting before "NOW, THEREFORE," the following:

"WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Flatwoods, in Greenup County, is such as to justify its being classified as a city of the third class;"

and on page 1, by inserting after line 3, the following:

"Section 2. That the City of Flatwoods, in Greenup County, is transferred from the fourth to the third class of cities."

Title Amendment:

by changing the title to read:

"AN ACT relating to the classification of cities."

Agreed.

Representative King moved that **HB 665** as amended be placed upon its passage.

On the roll call the vote was yeas 70-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Burch, Chandler, Crupper, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Kenton, Kidd, King, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Rattliff, Reynolds, Richardson, Roberts, Romines, Sale, Schmaedecke, Stephens, Stewart, Stone, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Whitfield, Wible. Nays 0.

HB 665 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 665** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Burch moved that the House concur in the following Senate Amendment to **HJR 30:**

Amend printed copy of House Resolution 30 as follows:

page 1, by deleting each paragraph beginning with the word "WHEREAS" and inserting in lieu thereof the following:

"WHEREAS, those young Kentuckians desiring to study veterinary medicine must travel beyond the Commonwealth in order to do so; and

WHEREAS, such a situation ill behooves the state known throughout the earth for its breeding of fine animals; and

WHEREAS, there is wide support for the establishment of additional training opportunities in veterinary medicine throughout the United States; and

WHEREAS, less than one-third of the Kentucky students applying for entrance to veterinary schools have been accepted under the contractual agreement since 1967; and

WHEREAS, many qualified residents of the Commonwealth are therefore denied the opportunity of pursuing their educational and professional career choice;"

and on page 2, lines 1 through 7, by deleting said lines in their entirety and inserting in lieu thereof the following:

"Section 1. That the Legislative Research Commission is hereby directed to study the possibility of establishing a school of veterinary medicine at Murray State University, and the possibility of establishing other professional or graduate level programs at such university, suitable to the needs of Kentucky students.

Section 2. That such study shall examine all aspects of veterinary medicine training available presently to Kentucky students, and the present and projected demands therefor, relative to present and projected need for veterinarians in the Commonwealth.

Section 3. That a special advisory committee of five members, including one member of the senate, one member of the house of representatives, and three persons directly associated with the animal industry in Kentucky, to be appointed by the commission to assist and advise in the conduct of this study.

Section 4. That the Legislative Research Commission shall submit a report of its findings and recommendations to the Council on Public Higher Education and to the General Assembly not later than November 30, 1975.

Section 5. That the cost of such research is estimated to be $50,000, and the commission is authorized to apply for and to receive federal funds or grants to defray costs and expenses incurred."

page 1, line Title by amending the title to read as follows:

"A JOINT RESOLUTION directing a study on establishing a school of veterinary medicine at Murray State University."

Agreed.

Representative Swinford moved that **HJR 30** as amended be placed upon its passage.

On the roll call the vote was yeas 61-Bennett, Benson, Blandford, Blume, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Crupper, Davis, Denham, Donnermeyer, Dunn, Foster, Graves, Guenthner, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hughes, Hurst, Imes, Isler, Kidd, Lewis, Lindsay,

Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Overstreet, Pearman, Paxton, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Sharpe, Stephens, Stewart, Stone, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible. Nays 5-Allen, Hancock, Kafoglis, Nett, O'Brien.

HJR 30 as amended was passed and the title agreed to.

Representative Imes moved that the vote by which **HJR 30** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Paxton moved that the House refuse to concur in the following Senate Amendment to **HB 314:**

Amend printed copy of House Bill 314 as follows:

By striking all lines after the enacting clause and inserting in lieu thereof:

"Section 1. A new section of Subtitle 20 of KRS Chapter 304 is created to read as follows:

Every motor vehicle liability policy issued for delivery in this state that covers any private passenger motor vehicle other than a motorcycle shall provide to the person insured thereunder and members of his family residing in the same household injured in a motor vehicle accident, guest passengers injured while occupying the insured motor vehicle and pedestrians struck by the insured motor vehicle, the following hospital, medical, disability and funeral benefits for each accident:

(1) All reasonable and necessary expenses for medical, hospital, dental, surgical, ambulance and prosthetic services incurred within one year after the date of the accident, in the amount of $3,000 per person; and

(2) All reasonable and necessary funeral expenses incurred within one year after the date of the accident, in the amount of $1,500 per person; and

(3) If the injured person is usually engaged in a remunerative occupation, 70 percent of the loss of income from work during the period of disability if the disability continues for at least 14 days and ending on the date the injured person is able to return to his usual occupation; or

(4) If the injured person is not usually engaged in a remunerative occupation, the expenses reasonably incurred for essential services in lieu of those the injured person would have performed without income during the period of disability if the disability continues at least 14 days and ending on the date the injured person is reasonably able to perform such essential services.

(5) As used in this section, "income" includes but is not limited to salary, wages, tips, commissions, professional fees, and profits from an individually owned business or farm.

"Section 2. A new section of Subtitle 20 of KRS Chapter 304 is created to read as follows:

(1) With respect to the insured and members of his family residing in the same household, an insurer may offer deductible forms up to $250, of coverage for the benefits required by subsection (1) of Section 1 of this Act.

(2) Notwithstanding Section 1:

(a) The benefits referred to in subsection (3) of Section 1 need not exceed $500 per month or be paid for a period exceeding 52 weeks.

(b) The benefits referred to in subsection (4) of Section 1 need not exceed $18 per day or be paid for a period exceeding 52 weeks.

(3) All benefits required by Section 1 shall be paid promptly after proof of loss has been submitted to the insurer.

(4) The existence of a potential cause of action in tort that arises out of an accident does not relieve an insurer of the duty to pay the benefits to the injured person as required by Section 1.

"Section 3. A new section of Subtitle 20 of KRS Chapter 304 is created to read as follows:

(1) The insurer may exclude from coverage of the benefits required by Section 1 any injured person:

(a) Who intentionally causes injury to himself; or

(b) Who is participating in any prearranged or organized racing or speed contest or in practice or preparation for any such contest.

(2) The insurer may exclude from coverage of the benefits required by subsection (3) of Section 1 any person injured in an accident outside of this state if that injured person is not the named insured, a member of the named insured's family residing in his household or a passenger in a motor vehicle owned or operated by the named insured.

"Section 4. A new section of Subtitle 20 of KRS Chapter 304 is created to read as follows:

The benefits required by Section 1 with respect to:

(1) The insured, members of his family residing in the same household and passengers injured while occupying the insured motor vehicle shall be primary, but such benefits except for passengers may be reduced or eliminated if they are similarly provided under another motor vehicle liability policy that covers the injured person, or if the injured person is entitled to receive under the laws of this state or any other state or of the United States, workmen's compensation benefits or any other similar medical or disability benefits.

(2) Pedestrians injured by the insured motor vehicle may be excess over any other collateral benefits to which the injured person is entitled, including but not limited to insurance benefits, governmental benefits or gratuitous benefits.

"Section 5. A new section of Subtitle 20 of KRS Chapter 304 is created to read as follows:

Every insurer that transacts motor vehicle liability insurance, if its insured is or would be held legally liabile for damages for injuries sustained by a person to whom benefits required by Section 1 of this Act have been furnished by another insurer, or for whom benefits have been furnished by a health insurer or health care service contractor, shall reimburse such other insurers and other contractors furnishing such benefits for the benefits so furnished in an amount not to exceed the damages so recoverable if the other insurer and contractor are entitled to such reimbursement by the terms of their policy or agreement. Disputes between insurers and contractors as to the issues of liability for and the amount of the reimbursement required by this subsection shall be decided by arbitration.

"Section 6. A new section of Subtitle 20 of KRS Chapter 304 is created to read as follows:

If an insurer has paid benefits required by Section 1 of this Act or a health insurer or health care service contractor has furnished benefits to a claimant injured by a person who is not covered by a motor vehicle liability policy issued by an insurer authorized to issue such policies in this state:

(1) The insurer or contractor shall be entitled to the extent of such payment to the proceeds of any settlement or judgment that may result from the exercise of any rights of recovery of the claimant against any motorist legally responsible for the bodily injury because of which such payment is made;

(2) The claimant shall hold in trust for the benefit of the insurer or contractor all rights of recovery which he shall have against such person, but only to the extent that such claim is made or paid herein;

(3) The claimant shall do whatever is proper to secure and shall do nothing after loss to prejudice such rights;

(4) If requested in writing by the insurer or contractor, the claimant shall take, through any representative not in conflict in interest with the claimant, designated by the insurer or contractor, such action as may be necessary or appropriate to recover such payment as damages from such person, such action to be

taken in the name of the claimant, but only to the extent of the payment made by the insured or contractor. In the event of a recovery, the insurer or contractor shall be reimbursed out of such recovery for expenses, costs and attorney fees incurred by it in connection therewith; and

(5) The claimant shall execute and deliver to the insurer or contractor such instruments and papers as may be appropriate to secure the rights and obligations of the claimant and the insurer or contractor established by this provision.

"Section 7. A new section of Subtitle 20 of KRS Chapter 304 is created to read as follows:

Payment of any benefit required by Section 1 of this Act to or for any insured and any payment required by Section 5 of this Act to any health insurer or health care service contractor shall be applied in reduction of the amount of damage that the insured may be entitled to recover from any insurer under bodily liability or uninsured motorist coverage for the same accident.

Section 8. A new section of KRS Chapter 187 is created to read as follows:

No motor vehicle license shall be issued in this state for any such vehicle and no person shall operate a motor vehicle on the highways of the Commonwealth of Kentucky unless and until he shows proof of financial responsibility in the manner hereinafter provided. Proof of financial responsibility shall be shown by filing with the county clerk an affidavit attesting to the owner's possession of a policy of liability insurance meeting the requirements of this Act which he will maintain for one year, or the filing of a bond (with corporate surety) or certificate of deposit in the amount of $25,000 which bond or certificate is conditioned upon payment by the owner of all damages arising out of the ownership, maintenance or use of such automobile for which said owner is ultimately held liable. The clerk shall be entitled to a fee of twenty-five cents for filing such affidavit, bond or certificate of deposit.

"Section 9. This Act shall become effective January 1, 1975."

and on page 1, The title by, deleting all words after "AN ACT relating to" and inserting in lieu thereof the word "insurance".

On the roll call the vote was yeas 66-Arnold, Bennett, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Burch, Chandler, Clarke, Davis, Dawahare, Denham, Donnermeyer, Dunn, Foster, Freeman, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, Lewis, Louden, Mann, May, Maynard, McBee, McBride, McGill, Nett, O'Brien, Overstreet, Pearman, Paxton, Reynolds, Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Stewart, Swinford, Thomas, Troop, Vincent, Watkins, Wells, G. White, J. White, Whitfield. Nays 18-Clapp, Dietz, Guenthner, Holbrook, King, Kleier, Lindsay, Mason, McBrayer, Morgan, Schmaedecke, Sharpe, Stephens, Stone, Turner, Van Horn, Wible, Yates.

The motion that the House refuse to concur in the Senate Amendment to **HB 314** was adopted.

Senate Message

Announcing passage of **HB 438, HB 545, HB 679, HB 751, HB 22** with Amendment, **HB 800** with Amendment, **HB 44** with Amendment, **HB 627** with Amendment, **HB 42** with Amendment, **HB 436** with Amendment, **HB 126** with Amendment, **HB 447, HB 96, HB 477** with Amendment, and **SR 75.**

Orders of the Day (continued)

The Speaker appointed the following Conference Committee in regard to **HB 9:** Representatives Reynolds, Overstreet and McBee.

SB 334 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved that **SB 334** be placed upon its passage.

Representative Schmaedecke moved the adoption of the following Floor Amendment No. 1 to **SB 334:**

Amend printed copy of Senate Bill 334 on page 7, line 26 after the word additional delete the following: "part time" and in place thereof insert the words "full time"

Agreed.

On the roll call the vote was yeas 80-Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hurst, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lewis, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stephens, Stewart, Stone, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Wible. Nays 0.

SB 334 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 334** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 259, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Donnermeyer moved the adoption of the Committee Amendment No. 1 to **SB 259.** Agreed.

Representative Donnermeyer moved that the Previous Question on **SB 259** be adopted.

On the roll call the vote was yeas 59-Allen, Arnold, Bennett, Blume, Brewer, Bruce, Burch, Chandler, Clapp, Crupper, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Head, Hinkle, Hislope, Hughes, Hurst, Imes, Isler, Kenton, Kidd, King, Kleier, Lewis, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Nett, Pearman, Paxton, Priddy, Reynolds, Roberts, Robinson, Romines, Sale, Schmaedecke, Siemens, Stewart, Stone, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Yates. Nays 22-Adams, Benson, Beshear, Blandford, Blythe, R. Brown, Davis, Graves, Guenthner, Hancock, Hellard, Holbrook, Hopkins, Kafoglis, Lindsay, Overstreet, Rattliff, Richardson, Sharpe, Stephens, Troop, Wible.

The motion that the Previous Question be adopted on **SB 259** was adopted.

Representative Donnermeyer moved that **SB 259** as amended be placed upon its passage.

On the roll call the vote was yeas 80-Adams, Arnold, Benson, Beshear, Blandford, Blume, Blythe, Brewer, Bruce, Burch, Chandler, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Karem, Kenton, King, Kleier, Lewis, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, Morgan, Nett, O'Brien, Pearman, Paxton, Quickert, Rattliff, Richardson, Roberts, Robinson, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wells, J. White, Wible, Yates. Nays 7-R. Brown, Freeman, Graves, Kafoglis, Kidd, Lindsay, McGill.

SB 259 as amended was passed and the title agreed to.

Representative Donnermeyer moved that the vote by which **SB 259** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 84 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members

elected.

Representative Schmaedecke moved that **SB 84** be placed upon its passage.

Representative Kafoglis moved the adoption of the Floor Amendment No. 1 to **SB 84.**

Representative Lewis moved that **SB 84** be laid on the table.

Representative Lewis moved that the motion that **SB 84** be laid on the table be withdrawn. Agreed.

Representative Schmaedecke moved that consideration of **SB 84** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative Swinford moved that the rules be suspended so that the Bills and Resolutions posted in the Orders of the Day by the Committee on Rules on March 20, 1974, may be considered by the House on March 20, 1974, the provisions of Rule 41 of the Rules of the House requiring that the Committee on Rules post a notice listing the bills to be considered that day prior to each day's session to the contrary notwithstanding. Agreed.

Representative Swinford moved that the House refuse to concur in the following Senate Amendment to **HB 22:**

Amend printed copy of House Bill 22 as follows:

page 1, line 3 by adding a comma after the word "law" and deleting the words "*or Federal*";

and on page 1, line 4, by adding after "*tion,*" the words "*ordinance, resolution or court order,*".

The House refused to concur in the Senate Amendment to **HB 22** by voice vote.

Representative Swinford moved that the House refuse to recede in the House Amendment to **SB 206.**

On the roll call the vote was yeas 63-Adams, Allen, Arnold, Benson, Beshear, Blume, Blythe, Brewer, R. Brown, Burch, Chandler, Clapp, Clarke, Crupper, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Imes, Isler, Kafoglis, Kenton, Kidd, King, Lewis, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Pearman, Paxton, Quickert, Roberts, Robinson, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stone, Swinford, Turner, Vincent, Watkins, Wible. Nays 3-Richardson, Van Horn, Yates.

The motion that the House refuse to recede in the House Amendment to **SB 206** was adopted.

Representative Swinford moved that the House concur in the following Senate Amendment to **HB 125:**

Amend printed copy of House Bill 125 as follows:

Page 37, line 9, by deleting ", Second"

Page 37, line 4, by deleting "September 1" and inserting in place thereof "August 1"

Page 1, by deleting lines 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 in their entirety;

and on page 2, by deleting lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 in their entirety;

and on page 2, line 24, by deleting "(b)" and inserting in lieu thereof "(a)";

and on page 2, line 26, by deleting "(c)" and inserting in lieu thereof "(b)"

Agreed.

Representative Swinford moved that **HB 125** as amended be placed upon its passage.

On the roll call the vote was yeas 57-Bennett, Benson, Beshear, Blume, Blythe, Bruce, Burch, Chandler, Clapp, Crupper, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Givhan, Graves, Hardin, Hellard, Hopkins, Imes, Isler, Kafoglis, Kenton, King, Kleier, Lindsay, Little, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, Paxton, Priddy, Quickert, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Siemens, Stone, Swinford, Thomas, Turner, Vincent, Watkins, Wells, G. White, Wible. Nays 15-Adams, Allen, Arnold, Brewer, R. Brown, Davis, Guenthner, Hancock, Hislope, Holbrook, O'Brien, Pearman, Sharpe, Stephens, Van Horn.

HB 125 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 125** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Little read the following Majority Report of the Conference Committee on **SB 114:**

"We the members of the Special Committee of the House and the Senate appointed to work out the differences of the two houses on Senate Bill 114 have met and have the report for concurrence of this Honorable Body.

Amendment I-The Senate agrees to accept this Amendment and to concur with the house amendment.

Amendment II-The House agrees to recede from this Amendment.

Thus a compromise has been met on Senate Bill 114 with Amendment I, therefore I move concurrence of this Honorable Body.

/s/ N. Clayton Little

W. Michael Troop"

Representative Little moved that the House concur in the Majority Report.

Representative Quickert moved that the following Minority Report be substituted for the Majority Report:

The minority is in agreement with the majority that the House should refuse to recede from Amendment No. 1, related to attorney fees.

The minority, however, does not concur with the majority report on Amendment No. 2, and respectfully urges the House to refuse to recede from its position on this amendment as well.

On the roll call the vote was yeas 44-Allen, Arnold, Blandford, Blythe, Burch, Clapp, Davis, DeMarcus, Denham, Graves, Hancock, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Kafoglis, Karem, King, Kleier, Lewis, Lindsay, Mason, May, Maynard, McBrayer, Morgan, Nett, O'Brien, Quickert, Rattliff, Richardson, Robinson, Schmaedecke, Schmidt, Stephens, Vincent, Watkins, Wells, Wible, Yates. Nays 46-Adams, Bennett, Benson, Beshear, Blume, Brewer, R. Brown, Bruce, Chandler, Clarke, Crupper, Dawahare, Dietz, Donnermeyer, Dunn, Freeman, Givhan, Hardin, Head, Isler, Kenton, Kidd, Little, Louden, Mann, McBee, McBride, McGill, Pearman, Paxton, Priddy, Reynolds, Roberts, Sale, Sharpe, Siemens, Smith, Stewart, Stone, Swinford, Thomas, Troop, Turner, Van Horn, G. White, J. White.

The motion that the Minority Report be substituted for the Majority Report was rejected.

Representative Swinford moved that the Majority Report of the Conference Committee on **SB 114** be adopted.

On the roll call the vote was yeas 46-Adams, Bennett, Benson, Beshear, Blume, Brewer, R. Brown, Chandler, Clarke, Crupper, Dawahare, Dietz, Donnermeyer, Dunn, Foster, Freeman, Givhan, Hardin, Head, Isler, Kenton, Kidd, Little, Louden, Mann, McBee, McBride, McGill, Overstreet, Pearman, Paxton, Reynolds, Roberts, Sale, Sharpe, Siemens, Smith, Stewart, Stone, Swinford, Troop, Turner, Van Horn, Vincent, G. White, J. White. Nays 45-Allen, Arnold, Blandford, Blythe, Burch, Clapp, Davis, Denham,

Graves, Guenthner, Hancock, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Kafoglis, Karem, King, Kleier, Lewis, Lindsay, Mason, May, Maynard, McBrayer, Morgan, Nett, O'Brien, Priddy, Quickert, Rattliff, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Stephens, Thomas, Watkins, Wells, Wible, Yates.

The motion that the Majority Report of the Conference Committee on **SB 114** be adopted was adopted.

Representative Swinford moved that **SB 114** as amended be placed upon its passage.

Representative Graves moved that **SB 114** as amended be laid on the table.

Representative McBride moved that the House recess until 7:30 P.M.

On the roll call the vote was yeas 33-Adams, Benson, Beshear, Blume, R. Brown, Bruce, Clarke, Dawahare, Dietz, Donnermeyer, Dunn, Foster, Head, Hellard, Hislope, Hughes, Isler, Kenton, Kidd, Kleier, Little, Louden, Mann, Mason, McBee, McBrayer, McBride, McGill, Paxton, Priddy, Quickert, Schmidt, Siemens. Nays 44-Arnold, Blandford, Blythe, Brewer, Bruch, Clapp, Crupper, Davis, Denham, Freeman, Graves, Hancock, Hardin, Holbrook, Holloway, Hopkins, Hurst, Imes, Karem, King, Lindsay, Morgan, Nett, Overstreet, Pearman, Rattliff, Reynolds, Richardson, Robinson, Sale, Schmaedecke, Sharpe, Smith, Stephens, Stewart, Stone, Swinford, Turner, Van Horn, Vincent, Watkins, Wells, G. White, Wible.

The motion that the House recess was rejected.

On the roll call the vote was yeas 16-Allen, Burch, Denham, Graves, Guenthner, Holbrook, Holloway, Hurst, Imes, Kafoglis, Lewis, Lindsay, O'Brien, Rattliff, Richardson, Schmidt. Nays 64-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, Dietz, Donnermeyer, Dunn, Foster, Freeman, Hancock, Hardin, Head, Hellard, Hislope, Hughes, Isler, Karem, Kenton, King, Kleier, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, Overstreet, Pearman, Paxton, Reynolds, Roberts, Robinson, Romines, Sale, Sharpe, Siemens, Smith, Stephens, Stewart, Stone, Swinford, Turner, Van Horn, Vincent, Watkins, G. White, J. White, Wible, Yates.

The motion that **SB 114** as amended be laid on the table was rejected.

On the roll call the vote was yeas 56-Adams, Bennett, Benson, Blandford, Blume, Blythe, Brewer, Bruce, Chandler, Clapp, Crupper, Dawahare, Dietz, Donnermeyer, Dunn, Foster, Freeman, Givhan, Hardin, Head, Isler, Kenton, Kidd, King, Lindsay, Little, Louden, Mann, Mason, McBee, McBride, McGill, Morgan, Overstreet, Pearman, Paxton, Priddy, Reynolds, Richardson, Roberts, Romines, Sale, Sharpe, Siemens, Smith, Stewart, Stone, Swinford, Troop, Turner, Van Horn, Vincent, G. White, J. White, Wible, Yates. Nays 34-Allen, Beshear, R. Brown, Burch, Clarke, Davis, Denham, Graves, Guenthner, Hancock, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Kafoglis, Karem, Lewis, May, Maynard, McBrayer, Nett, O'Brien, Quickert, Rattliff, Robinson, Schmaedecke, Schmidt, Stephens, Thomas, Watkins, Wells.

SB 114, as amended by the Majority Conference Committee Report, was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 114** as amended was passed be reconsidered and said motion be postponed indefinitely.

On the roll call the vote was yeas 48-Adams, Arnold, Bennett, Benson, Blandford, Blume, Brewer, Chandler, Crupper, Dawahare, Dietz, Donnermeyer, Dunn, Foster, Freeman, Givhan, Hardin, Head, Hellard, Isler, Kidd, Little, Louden, Mann, McBee, McBrayer, McGill, Overstreet, Pearman, Paxton, Priddy, Reynolds, Roberts, Romines, Sale, Sharpe, Siemens, Smith, Stewart, Stone, Swinford, Troop, Turner, Van Horn, G. White, J. White, Wible, Yates. Nays 35-Allen, Beshear, Blythe, R. Brown, Clapp, Clarke, Davis, Denham, Graves, Guenthner, Hancock, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Kafoglis, Karem, King, Kleier, Mason, May, Maynard, McBride, Morgan, Nett, O'Brien, Quickert, Rattliff, Richardson, Schmaedecke, Schmidt, Watkins, Wells.

The motion that the vote by which **SB 114** as amended was passed be reconsidered and said motion be postponed indefinitely was adopted.

Senate Message

Announcing passage of **HB 368** with Amendment, **HB 304** with Amendment, **HB 168** with Amendment, **HB 754** with Amendment, **HB 799** with Amendment, **HB 607, HB 552, HB 92, HB 528, HB 84, HB 443, HB 1, HR 60, HB 526, HB 574, HB 589, HB 790, HB 136, HR 62, HB 802, HB 747, HB 820, HB 458, HB 253, HB 637, HB 403, SR 51, HR 42, HB 223, HB 686, HB 742, HB 744, HB 752, HB 759, HB 775, HB 822, HB 834, HB 19, HB 535** with Amendment, and **HB 722** with Amendment.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 389, HB 485, HB 567, HB 665, HB 679, HB 751** and **HR 30** had been examined and found correctly enrolled. **HB 389, HB 485, HB 567, HB 665, HB 679, HB 751,** and **HR 30** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 389, HB 485, HB 567, HB 665, HB 679, HB 751, and **HR 30** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Representative Schmaedecke moved that **SB 84** be recommitted to the Committee on Health and Welfare. Agreed.

Recess

Representative Swinford moved that the House recess until 8:00 P.M. Agreed.

Representative Reynolds presiding.

Representative Swinford moved that the rules be suspended for a committee report. Agreed.

Report of Committees

The Committee on Rules reported the following Bills have been posted for passage in Orders of the Day: **SB 18, SB 78, SB 109, SB 111, SB 122, SB 133** with Committee Amendment attached thereto, **SB 151, SB 156, SB 173, SB 220, SB 239, SB 241** with Committee Amendment attached thereto, **SB 246** with Committee Amendment attached thereto, **SB 282, SB 289, SB 290** with Committee Amendment attached thereto, **SB 297, SB 312, SB 315** with Committee Amendment attached thereto, **SB 323, SB 335, SB 345, SB 347, SCR 29, SR 34.**

The Committee on Rules reported the following Bills have been posted for passage in Consent Orders of the Day: **SB 142** and **SB 301.**

The Speaker resumed the Chair.

Orders of the Day (continued)

SB 18 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Karem moved that **SB 18** be placed upon its passage.

On the roll call the vote was yeas 54-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Chandler, Clarke, Davis, Dawahare, Denham, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Isler, Kafoglis, Karem, Kidd, King, May, McBee, McBrayer, McBride, McGill, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Richardson, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Swinford, Turner, Van Horn, Vincent, J. White, Wible, Yates. Nays 7-Allen, Hurst, Lindsay, Rattliff, Romines, Stone, Thomas.

SB 18 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 18** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 78 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kidd moved that **SB 78** be placed upon its passage.

On the roll call the vote was yeas 50-Adams, Bennett, Benson, Beshear, Blandford, Blume, Clarke, Crupper, Dawahare, Denham, Donnermeyer, Dunn, Graves, Hancock, Head, Hellard, Hopkins, Hughes, Isler, Kafoglis, Karem, Kidd, King, Kleier, Lewis, Louden, Mann, Mason, May, McBee, McBride, McGill, O'Brien, Pearman, Paxton, Priddy, Quickert, Reynolds, Sale, Sharpe, Siemens, Stone, Swinford, Thomas, Turner, Van Horn, Vincent, J. White, Wible, Yates. Nays 6-Allen, Chandler, DeMarcus, Guenthner, Rattliff, Robinson.

SB 78 was passed and the title agreed to.

Representative Kidd moved that the vote by which **SB 78** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 109 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McBride moved that **SB 109** be placed upon its passage.

On the roll call the vote was yeas 65-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Bowles, Brewer, R. Brown, Bruce, Chandler, Clarke, Crupper, Davis, DeMarcus, Denham, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Head, Hellard, Holbrook, Hopkins, Isler, Kafoglis, Karem, King, Kleier, Lindsay, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, O'Brien, Overstreet, Pearman, Paxton, Quickert, Reynolds, Richardson, Romines, Sale, Schmidt, Sharpe, Siemens, Stephens, Stone, Swinford, Turner, Van Horn, Vincent, Watkins, J. White, Wible, Yates. Nays 0.

SB 109 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 109** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 111 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Holbrook moved that **SB 111** be placed upon its passage.

On the roll call the vote was yeas 54-Adams, Bennett, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Clarke, Crupper, Davis, Denham, Foster, Givhan, Graves, Guenthner, Hancock, Head, Hellard, Holbrook, Hopkins, Kafoglis, Karem, King, Kleier, Lewis, Little, Louden, Mann, Mason, May, McBrayer, McBride, McGill, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Romines, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Van Horn, Vincent, Wible, Yates. Nays 14-Allen, Arnold, DeMarcus, Dunn, Hughes, Hurst, Isler, Lindsay, McBee, Pearman, Sale, Stone, Turner, Watkins.

SB 111 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 111** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **SB 122** be deferred and that it retain its position in Orders of the Day. Agreed.

SB 133, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Quickert moved the adoption of the Committee Amendment No. 1 to **SB 133.** Agreed.

Representative Quickert moved that **SB 133** as amended be placed upon its passage.

On the roll call the vote was yeas 66-Adams, Bennett, Benson, Beshear, Blandford, Blume, Bowles, Brewer, R. Brown, Bruce, Chandler, Clarke, Crupper, Davis, DeMarcus, Denham, Foster, Freeman, Givhan, Graves, Guenthner, Hancock, Head, Hellard, Holbrook, Hopkins, Hughes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lewis, Lindsay, Little, Louden, Mason, May, McBee, McBrayer, McBride, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Sale, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Turner, Van Horn, Vincent, Watkins, Wible, Yates. Nays 2-Allen, Stone.

SB 133 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 133** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 151 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wible moved that **SB 151** be placed upon its passage.

On the roll call the vote was yeas 59-Adams, Bennett, Benson, Blandford, Blume, Bowles, Brewer, R. Brown, Chandler, Crupper, Dawahare, DeMarcus, Denham, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Head, Hislope, Holbrook, Hughes, Isler, Kafoglis, Kenton, Kidd, King, Lewis, Lindsay, Little, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Reynolds, Richardson, Romines, Sale, Schmidt, Sharpe, Siemens, Smith, Swinford, Turner, Van Horn, Vincent, Watkins, Wible, Yates. Nays 8-Allen, Blythe, Davis, Hellard, Karem, Pearman, Robinson, Stone.

SB 151 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 151** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 156 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Schmidt moved the adoption of the Committee Amendment No. 1 to **SB 156.** Agreed.

Representative Schmidt moved that **SB 156** as amended be placed upon its passage.

On the roll call the vote was yeas 75-Adams, Allen, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Bruce, Chandler, Clapp, Crupper, Davis, Dawahare, DeMarcus, Denham, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Hislope, Holbrook, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Lindsay, Little, Louden, Mason, May, McBee, McBrayer, McBride, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Wible, Yates. Nays 0.

SB 156 as amended was passed and the title agreed to.

Representative Schmidt moved that the vote by which **SB 156** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **HB 746, HB 506, HB 507, HB 732, HR 41, HB 652, HB 515, HB 770, HR 52, HB 469,** and **HB 734.**

Orders of the Day (continued)

Representative Swinford moved that **SB 173** be deferred and that it retain its position in Orders of the Day. Agreed.

SB 122 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mason moved that **SB 122** be placed upon its passage.

On the roll call the vote was yeas 66-Allen, Arnold, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Bruce, Chandler, Clapp, Crupper, Davis, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Head, Hellard, Hislope, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Lindsay, Little, Louden, Mason, May, McBee, McBrayer, McBride, O'Brien, Overstreet, Pearman, Paxton, Priddy, Rattliff, Reynolds, Romines, Sale, Schmaedecke, Sharpe, Siemens, Smith, Stephens, Stone, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, Wible, Yates. Nays 2-Holbrook, Robinson.

SB 122 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 122** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 220 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Benson moved the adoption of the following Floor Amendment No. 1 to **SB 220:**

Amend printed copy of Senate Bill 220 on page 11, after line 18 by adding the following words:

"Section 6. A new section of KRS Chapter 123 is created to read as follows:

(1) Each candidate shall designate one political committee as his central campaign committee. The central campaign committee shall receive all reports made by any other political committee accepting contributions or making expenditures for the purpose of influencing the nomination for election, or election, of the candidate who designated it as his central campaign committee.

(2) Each statement or report that a political committee is required to file with or furnish to the registry shall, if that political committee is not a central campaign committee, be furnished instead to the central campaign committee for the candidate on whose behalf that political committee is, or is established for the purpose of, accepting contributions or making expenditures.

(3) Each central campaign committee shall receive all reports and statements filed with or furnished to it by other political committees, and shall consolidate and furnish the reports and statements to the registry, together with its own reports and statements as prescribed by KRS 123.086.

Section 7. A new section of KRS Chapter 123 is created to read as follows:

(1) Each candidate and each committee formed to advocate or oppose a constitutional amendment or public question shall, before receiving any contributions or expending any money shall designate one primary campaign depository for the purpose of depositing all contributions received and disbursing all expenditures made by the candidate or committee. The candidate or committee may also designate one secondary depository in each county in which an election is held and in which the candidate or committee participates. Deputy campaign treasures may make deposits in and make expenditures from secondary depositories. Only a bank authorized to transact business in Kentucky may be designated as a campaign depository. The candidate or committee shall file the name and address of each primary and secondary depository so designated at the same time the candidate or committee files the name of his or its campaign treasurer.

(2) All funds received by the campaign treasurer or any deputy campaign treasurer of any candidate or committee shall be deposited prior to the end of the fifth business day following their receipt in a campaign depository in an account designated "Campaign Fund of (name of candidate or committee)". A statement showing the full name, address and occupation of each contributor shall be deposited together with a statement of the amount received. Cash contributions shall be accompanied by the same receipt form. Such statement shall be in triplicate upon a form prescribed by the registry, one copy to be retained by the campaign depository, one copy to be filed by the campaign treasurer in the campaign report to the registry, and one copy to be retained by the campaign treasurer. Statements shall be certified as correct by the campaign treasurer."

Agreed.

Representative Kafoglis moved that **SB 220** as amended be placed upon its passage.

On the roll call the vote was yeas 62-Arnold, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Crupper, Davis, Dawahare, Denham, Donnermeyer, Dunn, Graves, Guenthner, Hardin, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Little, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Nett, O'Brien, Overstreet, Priddy, Reynolds, Richardson, Sale, Sharpe, Siemens, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, Wible, Yates. Nays 11-Allen, Foster, Hancock, Head, Isler, Pearman, Paxton, Rattliff, Robinson, Romines, Turner.

SB 220 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 220** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 239 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Karem moved that **SB 239** be placed upon its passage.

On the roll call the vote was yeas 52-Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Chandler, Crupper, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hardin, Head, Hislope, Holloway, Hopkins, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lindsay, Mann, Mason, May, McBee, McBrayer, McBride, Morgan, Priddy, Reynolds, Richardson, Romines, Sale, Schmidt, Sharpe, Siemens, Smith, Stone, Swinford, Thomas, Troop, Vincent, Watkins, Wible, Yates. Nays 12-Allen, Bruce, Davis, Dawahare, Hellard, Hughes, O'Brien, Pearman, Paxton, Robinson, Turner, Van Horn.

SB 239 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 239** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 241 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McGill moved that **SB 241** be placed upon its passage.

On the roll call the vote was yeas 68-Allen, Arnold, Benson, Beshear, Blandford, Blume, Blythe, Bowles, R. Brown, Bruce, Burch, Chandler, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Freeman, Givhan, Graves, Guenthner, Hancock, Hardin, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, King, Lewis, Lindsay, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Watkins, J. White, Wible, Yates. Nays 0.

SB 241 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 241** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 246, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hopkins moved the adoption of the Committe Amendment No. 1 to **SB 246.** Agreed.

Representative Lindsay moved that **SB 246** as amended be laid on the Clerk's desk.

Representative Freeman moved that **SB 246** as amended be laid on the table.

On the roll call the vote was yeas 29-Adams, Allen, Brewer, Chandler, Crupper, Dawahare, DeMarcus, Denham, Dunn, Freeman, Givhan, Hardin, Head, Hislope, Hughes, Hurst, Kenton, Lindsay, Louden, O'Brien, Overstreet, Pearman, Priddy, Robinson, Sale, Smith, Stone, Turner, J. White. Nays 51-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Bruce, Burch, Clarke, Davis, Donnermeyer, Foster, Graves, Guenthner, Hancock, Hellard, Holbrook, Holloway, Hopkins, Isler, Kafoglis, Karem, Kidd, King, Lewis, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, Morgan, Nett, Paxton, Quickert, Reynolds, Richardson, Schmaedecke, Schmidt, Siemens, Stephens, Swinford, Thomas, Van Horn, Vincent, Watkins, Wible, Yates.

The motion that **SB 246** as amended be laid on the table was rejected.

Representative Kafoglis moved that the motion that **SB 246** be laid on the Clerk's desk be tabled.

On the roll call the vote was yeas 44-Arnold, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Clarke, Crupper, Dawahare, Donnermeyer, Graves, Guenthner, Hardin, Hellard, Holbrook, Holloway, Hopkins, Kafoglis, Karem, Kleier, Lewis, Mann, McBrayer, McBride, Nett, O'Brien, Paxton, Priddy, Quickert, Reynolds, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Van Horn, Vincent, Watkins, Wible, Yates. Nays 33-Adams, Allen, Bennett, Brewer, R. Brown, Burch, Chandler, Davis, DeMarcus, Denham, Dunn, Foster, Freeman, Givhan, Hancock, Head, Hislope, Hughes, Hurst, Isler, Lindsay, Louden, Mason, McBee, Morgan, Overstreet, Rattliff, Richardson, Romines, Sale, Stone, Turner, J. White.

The motion that the motion that **SB 246** be laid on the Clerk's desk be laid on the table was adopted.

Representative Freeman moved that the rules be suspended for the purpose of offering an amendment.

On the roll call the vote was yeas 33-Adams, Allen, Arnold, Bennett, Blandford, Brewer, Chandler, Clarke, Crupper, Davis, Dawahare, DeMarcus, Freeman, Givhan, Hancock, Hardin, Head, Hislope, Hughes, Kleier, Lewis, Little, Louden, O'Brien, Overstreet, Pearman, Priddy, Romines, Sale, Sharpe, Stone, Vincent, Wible. Nays 28-Beshear, Blythe, Donnermeyer, Dunn, Foster, Graves, Guenthner, Holbrook, Holloway, Kafoglis, Karem, Mann, Mason, McBrayer, Reynolds, Richardson, Robinson, Schmidt, Smith, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Watkins, J. White, Yates.

The motion that the rules be suspended was rejected.

Representative Stone moved that the rules be suspended for the purpose of making a motion that **SB 246** as amended be made the first order of business on March 21, 1974.

On the roll call the vote was yeas 29-Adams, Allen, Bennett, Bowles, Brewer, R. Brown, Chandler, Crupper, Dawahare, DeMarcus, Denham, Freeman, Givhan, Hancock, Hardin, Head, Hislope, Hughes, Kleier, Little, Louden, May, O'Brien, Pearman, Romines, Sale, Sharpe, Stone, Turner. Nays 38-Beshear, Blume, Bruce, Burch, Clarke, Davis, Donnermeyer, Dunn, Foster, Graves, Guenthner, Holbrook, Holloway, Isler, Kafoglis, Karem, Lewis, Mann, Mason, Maynard, McBrayer, Morgan, Priddy, Quickert, Reynolds, Richardson, Robinson, Schmidt, Siemens, Smith, Stephens, Swinford, Thomas, Van Horn, Watkins, J. White, Wible, Yates.

The motion that the rules be suspended was rejected.

Representative Hopkins moved that **SB 246** as amended be placed upon its passage.

On the roll call the vote was yeas 44-Benson, Beshear, Blandford, Blume, Blythe, Bruce, Burch, Clapp, Clarke, Foster, Graves, Guenthner, Hellard, Holbrook, Holloway, Hopkins, Hurst, Isler, Kafoglis, Kenton, Kleier, Lewis, Mann, Maynard, McBee, McBrayer, Morgan, Nett, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Schmaedecke, Schmidt, Siemens, Stephens, Swinford, Thomas, Van Horn, Watkins, Wible, Yates. Nays 39-Adams, Allen, Arnold, Bennett, Bowles, Brewer, R. Brown, Chandler, Crupper, Davis, Dawahare, DeMarcus, Denham, Dunn, Freeman, Givhan, Hancock, Hardin, Head, Hislope, Hughes, Imes, Lindsay, Little, Louden, Mason, May, McBride, O'Brien, Overstreet, Rattliff, Robinson, Sale, Sharpe, Smith, Stone, Troop, Turner, J. White.

SB 246 as amended was passed and the title agreed to.

Representative McBrayer moved that the vote by which **SB 246** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 282 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Siemens moved that **SB 282** be placed upon its passage.

On the roll call the vote was yeas 25-Bennett, Blume, R. Brown, Chandler, Clapp, Donnermeyer, Dunn, Hancock, Holloway, Kenton, Kleier, Mann, McBee, McBride, Nett, O'Brien, Paxton, Quickert, Romines, Siemens, Swinford, Thomas, J. White, Wible, Yates. Nays 52-Adams, Allen, Arnold, Benson, Beshear, Blandford, Blythe, Bowles, Brewer, Bruch, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Foster, Freeman, Givhan, Graves, Guenthner, Head, Hellard, Hislope, Holbrook, Hopkins, Hughes, Hurst, Imes, Kafoglis, Karem, Lindsay, Little, Mason, May, Maynard, McBrayer, Overstreet, Pearman, Rattliff, Richardson, Robinson, Sale, Sharpe, Smith, Stephens, Stone, Troop, Turner, Van Horn, Vincent, Watkins.

SB 282 was defeated.

Representative Karem moved that the vote by which **SB 282** was defeated be reconsidered and said motion be postponed indefinitely.

On the roll call the vote was yeas 34-Adams, Allen, Beshear, Blythe, Crupper, Dawahare, Denham, Foster, Freeman, Givhan, Graves, Holbrook, Hopkins, Hughes, Imes, Kafoglis, Karem, Lindsay, Little, Mason, May, Maynard, McBrayer, Overstreet, Quickert, Rattliff, Richardson, Robinson, Sale, Stephens, Troop, Vincent, J. White, Wible. Nays 30-Arnold, Bennett, Benson, Blandford, Blume, Brewer, Bruce, Burch, DeMarcus, Dunn, Hancock, Hellard, Hislope, Holloway, Isler, Mann, McBee, Nett, O'Brien, Paxton, Priddy, Reynolds, Romines, Schmaedecke, Sharpe, Siemens, Swinford, Thomas, Van Horn, Watkins.

The motion that the vote by which **SB 282** was defeated be reconsidered and said motion be postponed indefinitely was adopted.

Representative Swinford moved that consideration of **SB 289** be deferred and that it retain its position in Orders of the Day. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 19, HB 96, HB 136, HB 223, HB 253, HB 438, HB 447, HB 458, HB 545, HB 574, HB 589, HB 552, HB 607, HB 637, HB 686, HB 742, HB 747, HB 752, HB 759, HB 790, HB 802, HB 820, HB 822, HB 834, HJR 42, HCR 60,** and **HCR 62** had been examined and found correctly enrolled. **HB 19, HB 96, HB 136, HB 223, HB 253, HB 438, HB 447, HB 458, HB 545, HB 552, HB 574, HB 589, HB 607, HB 637, HB 686, HB 742, HB 747, HB 752, HB 759, HB 790, HB 802, HB 820, HB 822, HB 834, HJR 42, HCR 60,** and **HCR 62** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Orders of the Day (continued)

SB 290, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved the adoption of the Committee Amendment No. 1 to **SB 290.** Agreed.

Representative Swinford moved that **SB 290** as amended be placed upon its passage.

On the roll call the vote was yeas 72-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Bruce, Chandler, Crupper, Davis, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Graves, Hancock, Head, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, King, Kleier, Lewis, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, Nett, O'Brien, Overstreet, Pearman, Paxton, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Wible. Yates. Nays 0.

SB 290 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 290** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 297 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Beshear moved that **SB 297** be placed upon its passage.

On the roll call the vote was yeas 70-Adams, Arnold, Bennett, Benson, Beshear, Blume, Blythe, Bowles, Brewer, R. Brown, Bruce, Burch, Chandler, Crupper, Davis, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Freeman, Givhan, Graves, Guenthner, Hancock, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, King, Lewis, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBrayer, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Wible, Yates. Nays 0.

SB 297 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 297** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 173 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wible moved that the rules be suspended for the purpose of offering Floor Amendments.

On the roll call the vote was yeas 53-Allen, Arnold, Bennett, Benson, Blandford, Blume, R. Brown, Burch, Chandler, Crupper, Davis, DeMarcus, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin,

Hellard, Holbrook, Holloway, Hughes, Hurst, Imes, Isler, Kafoglis, Kenton, King, Lewis, Lindsay, Mann, May, Maynard, McBee, McBrayer, McBride, O'Brien, Quickert, Richardson, Robinson, Sale, Schmaedecke, Sharpe, Siemens, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, Wible, Yates. Nays 4-Karem, Pearman, Paxton, Thomas.

The motion that the rules be suspended was adopted.

Representative Swinford moved the adoption of the following Floor Amendment No. 2 to **SB 173:**

Amend printed copy of Senate Bill 173 on page 1, line 11 by inserting after line 11 the following:

"Section 2. A new section of KRS Chapter 212 is created to read as follows:

As used in this act, unless the text requires otherwise:

(1) "Sterilization" shall mean any procedure or operation, the purpose of which is to render an individual permanently incapable of reproducing.

(2) "Nontherapeutic sterilization" shall mean any procedure or operation, the purpose of which is to render an individual permanently incapable of reproducing and which is not either:

(a) A necessary part of the treatment of an existing physical illness or injury, or

(b) Medically indicated as an accompaniment of an operation on the female genitourinary tract;

Section 3. A new section of KRS Chapter 212 be created to read as follows:

Any physician who is requested to perform a nontherapeutic sterilization shall provide counseling to the person who requests the sterilization.

Section 4. A new section of KRS Chapter 212 is created to read as follows:

(1) Before any person in the Commonwealth may have a nontherapeutic sterilization performed upon himself, he shall give written informed consent to the performance of the sterilization. To be valid such consent document shall be endorsed by the following persons in the following instances:

(a) By the consenting individual in all cases;

(b) By the spouse of the consenting individual if such be a married person;

(c) By the adult parent or guardian of the consenting individual if such be a minor child and unmarried;

(d) By the committee of the consenting individual if such be an incompetent person.

Section 5. A new section of KRS Chapter 212 is created to read as follows:

No physician shall perform a nontherapeutic sterilization on any person before 24 hours following the giving of written informed consent by the person requesting such sterilization.

Section 6. A new section of KRS Chapter 212 is created to read as follows:

(1) Any physician who fails to comply with the provisions of Section 4 of this Act, upon conviction thereof shall be fined not more than $500.

(2) Failure to procure the informed consent of those required to give their consent pursuant to Section 5 of this Act, prior to performing a nontherapeutic sterilization shall be punishable by imprisonment in the county jail not to exceed one year or a fine not to exceed $1,000, or both.

(3) Any physician violating Section 6 of this Act shall be imprisoned in the county jail not to exceed one year or a fine not to exceed $1,000, or both.

On the roll call the vote was yeas 53-Adams, Arnold, Benson, Blandford, Blume, Bowles, R. Brown, Chandler, Davis, DeMarcus, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Hellard, Holbrook, Hughes, Isler, Kafoglis, King, Kleier, Lewis, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, Nett, O'Brien, Overstreet, Priddy, Quickert, Reynolds, Richardson, Robinson, Sale, Schmaedecke, Schmidt, Sharpe, Swinford, Troop, Van Horn, Vincent, Watkins, Wible, Yates. Nays 12-Allen, Beshear, Blythe, Brewer, Crupper, Karem, Little, Pearman, Rattliff, Stephens, Thomas, Turner.

The Floor Amendment No. 2 to **SB 173** was adopted.

Representative Lindsay moved the adoption of the following Floor Amendment No. 1 to **SB 173:**

Amend printed copy of Senate Bill 173 on page 1, line 11 by deleting $1,000 and inserting in lieu thereof $100.

line 11, by deleting $5,000 and inserting in lieu thereof $500.

Agreed.

Representative Wible moved that **SB 173** as amended be placed upon its passage.

On the roll call the vote was yeas 67-Adams, Allen, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Chandler, Crupper, Davis, Dunn, Foster, Freeman, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lindsay, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, Wible, Yates. Nays 0.

SB 173 as amended was passed.

Representative Wible moved the adoption of the following Title Amendment to **SB 173:**

Amend printed copy of Senate Bill 173 on page 1, by amending the Title to read as follows:

"AN ACT relating to public health.

Agreed.

Representative Wible moved that the vote by which **SB 173** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 142 taken from Consent Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 69-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, R. Brown, Burch, Chandler, Crupper, Davis, Denham, Donnermeyer, Dunn, Foster, Freeman, Givhan, Graves, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, King, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, Wible, Yates. Nays 0.

SB 142 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 142** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 301 taken from Consent Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a

majority of members elected.

On the roll call the vote was yeas 72-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, R. Brown, Burch, Chandler, Crupper, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, King, Lewis, Lindsay, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sharpe, Siemens, Stephens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Wible, Yates. Nays 0.

SB 301 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 301** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 312 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hughes moved the adoption of the following Floor Amendment No. 1 to **SB 312:**

Amend printed copy of Senate Bill 312 on page 1, line 6 by deleting after the word "of" the words "*$25,000 in annual*" and inserting in lieu thereof the words "*$250,000 in weekly*"

On the roll call the vote was yeas 33-Adams, Bennett, Blandford, Bowles, Burch, Chandler, Davis, Dunn, Freeman, Guenthner, Holbrook, Holloway, Hughes, Hurst, Imes, Little, Mason, May, O'Brien, Overstreet, Priddy, Richardson, Romines, Schmaedecke, Schmidt, Stephens, Turner, Van Horn, Vincent, Watkins, J. White, Wible, Yates. Nays 27-Allen, Benson, Beshear, Blume, Blythe, R. Brown, Clarke, Crupper, Denham, Foster, Givhan, Hancock, Hardin, Hellard, Kafoglis, Karem, Kenton, Lewis, Mann, Maynard, McBee, McBride, Pearman, Paxton, Quickert, Sharpe, Siemens.

The Floor Amendment No. 1 to **SB 312** was adopted.

Representative Hughes moved the adoption of the following Floor Amendment No. 2 to **SB 312:**

Amend printed copy of Senate Bill 312 on page 2, line 13 by adding a new subsection (5) as follows:

"(5) Any container in which appliances described in KRS 214.190 are sold shall be recycled in the name of ecology."

On the roll call the vote was yeas 34-Adams, Bennett, Blandford, Brewer, R. Brown, Burch, Chandler, Crupper, Dunn, Foster, Freeman, Givhan, Guenthner, Hancock, Hardin, Holloway, Hughes, Hurst, Little, Maynard, O'Brien, Overstreet, Priddy, Rattliff, Richardson, Robinson, Romines, Sharpe, Thomas, Turner, Van Horn, Vincent, J. White, Yates. Nays 23-Allen, Beshear, Blume, Blythe, Clarke, Denham, Donnermeyer, Graves, Hellard, Holbrook, Kafoglis, Karem, Kenton, Mann, Mason, McBee, McBrayer, McBride, Pearman, Paxton, Quickert, Siemens, Wible.

The Floor Amendment No. 2 to **SB 312** was adopted.

On the roll call the vote was yeas 16-Blume, Blythe, Clarke, Donnermeyer, Dunn, Hislope, Kafoglis, Karem, Kenton, Little, Mann, McBrayer, Morgan, Priddy, Quickert, Romines. Nays 59-Adams, Allen, Arnold, Bennett, Beshear, Blandford, Bowles, R. Brown, Burch, Chandler, Crupper, Davis, Dawahare, Denham, Foster, Freeman, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Lewis, Lindsay, Louden, May, McBee, McBride, O'Brien, Overstreet, Pearman, Paxton, Rattliff, Reynolds, Richardson, Robinson, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stone, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Wible, Yates.

SB 312 as amended was defeated.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 1, HB 125, HB 403, HB 469, HB 506, HB 507, HB 515, HB 652, HB 732, HB 734, HB 746, HB 770, HJR 41,** and **HCR 52** had been examined and found correctly enrolled. **HB 1, HB 125, HB 403, HB 469, HB 506, HB 507, HB 515, HB 652, HB 732, HB 734, HB 746, HB 770, HJR 41, HCR 52** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Orders of the Day (continued)

SB 315 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative King moved the adoption of the following Floor Amendment No. 1 to **SB 315:**

Amend printed copy of Senate Bill 315 on page 1, line 5 by deleting "The";

and on page 1, by deleting lines 6 through 15 in their entirety;

and by inserting in place thereof the following:

"Section 2. A new section of KRS Chapter 81 is created to read as follows:

Whenever the court finds, upon a hearing, that more than seventy-five percent of the resident freeholders of the territory to be annexed have remonstrated, the question of annexation shall be submitted to the voters of the territory to be annexed at the next regular election and annexation shall not take place unless a majority of the votes cast are in favor of annexation, notwithstanding any provisions of the Kentucky Revised Statutes to the contrary.

Section 3. A new section of KRS Chapter 81 is created to read as follows:

Upon any annexation, the residents, freeholders, and those engaged in business in the annexed area shall assume all existing burdens of the annexing municipality, and shall be entitled to all existing statutory and municipal rights and privileges."

and on page 1, after line 15, insert the following:

"Section 4. A new section of KRS Chapter 81 is created to read as follows:

The provisions of this Act do not apply to annexation by cities of the first class nor to annexation by an urban county government."

Rejected.

Representative R. Brown moved the adoption of the following Floor Amendment No. 2 to **SB 315:**

Amend printed copy of Senate Bill 315 on page 1, by adding, below line 15, the following new section:

"Section 2. A new section of KRS Chapter 81 is created to read as follows:

(1) Notwithstanding any provisions of the Kentucky Revised Statutes to the contrary, whenever the court finds, upon a hearing, that more than seventy-five percent of the resident freeholders of the territory to be annexed have remonstrated, the question of annexation shall be submitted to the voters of the territory to be annexed at the next regular election and annexation shall not take place unless a majority of the votes cast are in favor of annexation.

(2) The provisions of this Act do not apply to annexation by cities of the first class nor to annexation by an urban county government."

Rejected.

Representative King moved that the vote by which Floor Amendment No. 2 to **SB 315** was rejected be reconsidered.

On the roll call the vote was yeas 37-Adams, Bennett, Benson, Blume, Brewer, R. Brown, Bruce, Crupper, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Freeman, Givhan, Imes, Isler, Kenton, King, Lewis, Louden, Mann, Mason, McBee, Nett, O'Brien, Pearman, Priddy, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Turner, Van Horn, J. White, Wible. Nays 26-Beshear, Blandford, Blythe, Clarke, Foster, Graves, Guenthner, Hancock, Hellard, Hislope, Holbrook, Holloway, Hughes, Kafoglis, Lindsay, May, Maynard, McBrayer, McBride, Morgan, Overstreet, Paxton, Quickert, Richardson, Stone, Troop.

The motion that the vote by which Floor Amendment No. 2 to **SB 315** was rejected be reconsidered was adopted.

On the roll call the vote was yeas 36-Adams, Allen, Bennett, Blume, Bowles, Brewer, R. Brown, Bruce, Crupper, Dawahare, Denham, Donnermeyer, Dunn, Freeman, Head, Hughes, Hurst, Isler, Kenton, King, Louden, Mann, Mason, McBee, Nett, O'Brien, Pearman, Priddy, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Van Horn, Turner, J. White. Nays 25-Beshear, Blythe, Clarke, Foster, Graves, Guenthner, Hancock, Hellard, Holbrook, Holloway, Hopkins, Kafoglis, Lindsay, Maynard, McBrayer, McBride, Morgan, Overstreet, Quickert, Richardson, Stephens, Stone, Swinford, Troop, Wible.

The Floor Amendment No. 2 to **SB 315** was adopted.

Representative King moved that **SB 315** as amended be placed upon its passage.

Representative Vincent moved that the rules be suspended for the purpose of offering an amendment.

On the roll call the vote was yeas 50-Adams, Allen, Arnold, Benett, Benson, Beshear, Blandford, Brewer, R. Brown, Bruce, Crupper, Davis, Denham, Foster, Givhan, Hancock, Hellard, Hislope, Holbrook, Holloway, Hopkins, Hughes, Isler, Karem, Kenton, King, Lindsay, Little, Louden, Mason, May, Maynard, McBrayer, O'Brien, Overstreet, Pearman, Paxton, Priddy, Rattliff, Reynolds, Robinson, Romines, Schmaedecke, Stephens, Stone, Troop, Van Horn, Vincent, J. White, Wible. Nays 14-Blume, Bowles, Dunn, Guenthner, Hurst, Kafoglis, Mann, McBee, McBride, Morgan, Quickert, Siemens, Turner, Yates.

The motion that the rules be suspended for the purpose of offering an amendment was rejected.

Representative Guenthner moved that **SB 315** as amended be laid on the table.

On the roll call the vote was yeas 30-Allen, Beshear, Blythe, Chandler, Davis, Denham, Freeman, Graves, Guenthner, Hancock, Hellard, Hislope, Holbrook, Hughes, Imes, Little, Mason, Maynard, McBrayer, Overstreet, Priddy, Rattliff, Reynolds, Richardson, Robinson, Stone, Swinford, Troop, Vincent, J. White. Nays 29-Adams, Blume, R. Brown, Crupper, Dawahare, Donnermeyer, Dunn, Givhan, Isler, Kafoglis, Karem, Kenton, King, Kleier, Louden, Mann, McBee, McBride, Morgan, Nett, Schmaedecke, Schmidt, Sharpe, Siemens, Turner, Van Horn, Watkins, Wible, Yates.

The motion that **SB 315** as amended be laid on the table was adopted.

SB 323 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Beshear moved that **SB 323** be placed upon its passage.

On the roll call the vote was yeas 61-Allen, Bennett, Benson, Beshear, Blume, Blythe, Brewer, R. Brown, Burch, Chandler, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Givhan, Hancock, Holbrook, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, King, Lewis, Little, Louden, Mann, May, Maynard, McBee, McBrayer, McBride, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Rattliff, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Swinford, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Wible, Yates. Nays 0.

SB 323 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 323** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 335 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McBride moved that **SB 335** be placed upon its passage.

On the roll call the vote was yeas 59-Arnold, Benson, Beshear, Blandford, Blume, Brewer, Bruce, Burch, Chandler, Clarke, Dawahare, Donnermeyer, Dunn, Foster, Freeman, Givhan, Graves, Guenthner, Head, Holbrook, Hughes, Hurst, Imes, Isler, Karem, Kenton, King, Kleier, Lewis, Little, Mann, McBee, McBrayer, McBride, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Wible, Yates. Nays 12-Allen, Crupper, DeMarcus, Denham, Hancock, Hopkins, Kafoglis, May, Maynard, Robinson, Stephens, Stone.

SB 335 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 335** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 345 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Holbrook moved that **SB 345** be placed upon its passage.

On the roll call the vote was yeas 76-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blume, Blythe, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Head, Hislope, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kleier, Lindsay, Little, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, J. White, Wible, Yates. Nays 1-Turner.

SB 345 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 345** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 347 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 59-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, Chandler, Clarke, Crupper, Davis, Dawahare, DeMarcus, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Head, Hislope, Holbrook, Hopkins, Hughes, Isler, Karem, Kenton, King, Kleier, Lindsay, Little, Mason, May, Maynard, McBee, McBrayer, McBride, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Reynolds, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Swinford, Thomas, Troop, Vincent, Watkins, Wible, Yates. Nays 9-Allen, Bruce, Imes, Kafoglis, Mann, Overstreet, Stephens, Stone, Van Horn.

SB 347 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 347** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SCR 29 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Denham moved that **SCR 29** be placed upon its passage.

On the roll call the vote was yeas 68-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, Bruce, Chandler, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Head, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lindsay, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Rattliff, Reynolds, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Watkins, J. White, Wible, Yates. Nays 2-Hancock, Pearman.

SCR 29 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SCR 29** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SCR 34 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Little moved that **SCR 34** be placed upon its passage.

On the roll call the vote was yeas 57-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, Chandler, Clarke, Crupper, Denham, Donnermeyer, Dunn, Foster, Givhan, Guenthner, Hancock, Head, Holbrook, Hughes, Isler, Kafoglis, Karem, Kenton, Kleier, Lindsay, Little, Louden, Mann, Mason, May, McBee, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Rattliff, Reynolds, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, J. White, Wible, Yates. Nays 11-Allen, Davis, DeMarcus, Graves, Hislope, Hurst, Imes, McBrayer, Pearman, Richardson, Watkins.

SCR 34 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SCR 34** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Recess

Representative Swinford moved that the House recess for five minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (continued)

SB 289 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Siemens moved that **SB 289** be placed upon its passage.

On the roll call the vote was yeas 45-Adams, Benson, Blandford, Blume, Brewer, R. Brown, Bruce, Burch, Chandler, Dawahare, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Head, Imes, Isler, Kafoglis, Karem, Kenton, Lewis, Lindsay, Little, Mann, Mason, McBee, McBride, Morgan, O'Brien, Paxton, Quickert, Reynolds, Richardson, Romines, Sharpe, Siemens, Swinford, Thomas, Van Horn, Vincent, J. White, Wible, Yates. Nays 13-Arnold, Crupper, DeMarcus, Hellard, Holloway, Hopkins, Hughes, May, Overstreet, Pearman, Stephens, Stone, Watkins.

SB 289 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 289** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that the rules be suspended for a report of the Committee on Rules. Agreed.

Report of Committee

The Committee on Rules reported **SB 64** with Committee Substitute attached thereto, **SB 75,** with Committee Amendment attached thereto, **SB 199** with Committee Substitute attached thereto, **SB 250, SB 252, SB 278,** and **SR 71** have been posted for passage in Orders of the Day.

Orders of the Day (continued)

SB 278 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Troop moved that **SB 278** be placed upon its passage.

On the roll call the vote was yeas 48-Adams, Bennett, Benson, Beshear, Blandford, Blythe, Brewer, R. Brown, Bruce, Burch, Davis, Dawahare, Graves, Guenthner, Hardin, Hellard, Holbrook, Hopkins, Hughes, Isler, Kafoglis, Kenton, Lewis, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, Morgan, Overstreet, Pearman, Paxton, Priddy, Rattliff, Reynolds, Robinson, Sharpe, Stephens, Swinford, Troop, Turner, Van Horn, Watkins, J. White, Wible. Nays 14-Clapp, Clarke, Crupper, Hancock, Head, Hurst, Karem, Kleier, Lindsay, Maynard, Nett, O'Brien, Quickert, Schmidt.

SB 278 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 278** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 75 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved that adoption of the Committee Amendment No. 1 to **SB 75.**

On the roll call the vote was yeas 33-Bennett, Benson, Blume, Bruce, Burch, Davis, Donnermeyer, Dunn, Foster, Graves, Holbrook, Imes, Isler, Karem, Lewis, Little, Mann, May, McBee, McBrayer, McBride, Morgan, Pearman, Paxton, Priddy, Reynolds, Schmidt, Stone, Swinford, Van Horn, J. White, Wible, Yates. Nays 25-Arnold, Beshear, Blythe, Brewer, Clapp, Clarke, Givhan, Guenthner, Hardin, Head, Hellard, Hopkins, Kafoglis, Kleier, Lindsay, Mason, Maynard, Overstreet, Quickert, Rattliff, Richardson, Sharpe, Stephens, Troop, Turner.

The Committee Amendment No. 1 to **SB 75** was adopted.

Representative Bruce moved that **SB 75** as amended be placed upon its passage.

Representative Beshear moved that **SB 75** as amended be laid on the table.

On the roll call the vote was yeas 49-Arnold, Benson, Beshear, Blandford, Blume, Blythe, Brewer, Clarke, Dawahare, DeMarcus, Denham, Dunn, Givhan, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hopkins, Hughes, Hurst, Kafoglis, Karem, Kenton, Lindsay, Little, Louden, Mason, Maynard, Nett, O'Brien, Overstreet, Pearman, Priddy, Quickert, Rattliff, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Stephens, Troop, Turner, Vincent. Nays 22-Adams, Bennett, R. Brown, Bruce, Burch, Clapp, Crupper, Davis, Donnermeyer, Foster, Imes, Lewis, May, McBee, Morgan,

Reynolds, Siemens, Stone, Swinford, Van Horn, J. White, Wible.

The motion that **SB 75** be laid on the table was adopted.

SB 64 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blythe moved that **SB 64** be placed upon its passage.

On the roll call the vote was yeas 49-Bennett, Benson, Blume, Blythe, Bruce, Burch, Clarke, Crupper, Davis, Dawahare, DeMarcus, Donnermeyer, Dunn, Foster, Graves, Guenthner, Hancock, Hardin, Head, Holbrook, Holloway, Isler, Karem, Kenton, King, Kleier, Lewis, Lindsay, Mann, Mason, McBee, McBrayer, McBride, Morgan, O'Brien, Paxton, Priddy, Quickert, Romines, Schmaedecke, Schmidt, Sharpe, Swinford, Troop, Turner, Van Horn, Watkins, Wible, Yates. Nays 22-Beshear, Blandford, R. Brown, Clapp, Denham, Givhan, Hellard, Hughes, Imes, Kafoglis, Little, Louden, Maynard, Nett, Overstreet, Reynolds, Richardson, Robinson, Siemens, Stephens, Stone, Thomas.

SB 64 was passed and the title agreed to.

Representative Blythe moved that the vote by which **SB 64** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 199 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative J. White moved that **SB 199** be placed upon its passage.

Representative Schmidt moved that **SB 199** be laid on the table.

On the roll call the vote was yeas 15-Arnold, Clarke, Denham, Dunn, Foster, Guenthner, Hopkins, Hurst, Imes, Nett, Overstreet, Rattliff, Richardson, Schmaedecke, Schmidt. Nays 46-Adams, Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Bruce, Burch, Crupper, Dawahare, DeMarcus, Donnermeyer, Hancock, Head, Hellard, Isler, Kafoglis, Karem, Kenton, Kleier, Lewis, Little, Mann, Mason, May, Maynard, McBride, Morgan, O'Brien, Paxton, Priddy, Quickert, Reynolds, Robinson, Romines, Sharpe, Siemens, Stephens, Thomas, Turner, Van Horn, Vincent, Watkins, J. White, Yates.

The motion that **SB 199** be laid on the table was rejected.

On the roll call the vote was yeas 57-Adams, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Burch, Crupper, Davis, Dawahare, DeMarcus, Donnermeyer, Foster, Graves, Hancock, Hardin, Head, Hellard, Holbrook, Holloway, Hughes, Isler, Kafoglis, Karem, Kenton, Kleier, Lewis, Little, Mann, Mason, May, Maynard, McBee, McBride, Morgan, O'Brien, Pearman, Paxton, Priddy, Reynolds, Robinson, Romines, Sharpe, Siemens, Stephens, Swinford, Thomas, Turner, Van Horn, Vincent, Watkins, J. White, Wible. Nays 16-Arnold, Clarke, Denham, Dunn, Guenthner, Hopkins, Hurst, Imes, King, Nett, Overstreet, Quickert, Rattliff, Richardson, Schmaedecke, Schmidt.

SB 199 was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 199** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved the adoption of the following **SCR 71:**

SR 71, A CONCURRENT RESOLUTION adjourning the General Assembly sine die on Friday, March 22, 1974.

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That when the Senate and the House of Representatives do adjourn on Friday, March 22, 1974, they do so adjourn sine die.

On the roll call the vote was yeas 73-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Brewer, R. Brown, Bruce, Burch, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Kenton, King, Kleier, Lewis, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Schmaedecke, Sharpe, Siemens, Stephens, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Wible, Yates. Nays 3-Karem, Lindsay, Schmidt.

SCR 71 was adopted.

Representative Swinford moved that the vote by which **SCR 71** was adopted be reconsidered and said motion be postponed indefinitely. Agreed.

SB 250 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved that **SB 250** be placed upon its passage.

On the roll call the vote was yeas 55-Adams, Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Bruce, Burch, Chandler, Crupper, Dawahare, DeMarcus, Donnermeyer, Dunn, Graves, Guenthner, Head, Hellard, Holbrook, Hopkins, Isler, Kafoglis, Karem, Kenton, King, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, Morgan, Nett, O'Brien, Priddy, Quickert, Reynolds, Robinson, Romines, Schmidt, Siemens, Stephens, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Wible, Yates. Nays 15-Arnold, Clarke, Davis, Denham, Foster, Hancock, Hughes, Imes, Kleier, Lewis, Pearman, Paxton, Richardson, Stone, Swinford.

SB 250 was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 250** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 252 taken from Orders of the Day and ordered read at length for the third time. Representative Swinford moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved that **SB 252** be placed upon its passage.

On the roll call the vote was yeas 61-Adams, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Burch, Chandler, Crupper, Dawahare, DeMarcus, Donnermeyer, Dunn, Foster, Freeman, Graves, Guenthner, Hancock, Hardin, Head, Hellard, Holbrook, Hopkins, Hughes, Imes, Isler, Kenton, Lewis, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, Morgan, O'Brien, Overstreet, Priddy, Rattliff, Reynolds, Richardson, Romines, Schmaedeck, Schmidt, Sharpe, Siemens, Stephens, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, J. White, Wible, Yates. Nays 13-Blythe, Clarke, Denham, Kafoglis, Karem, Kleier, Lindsay, Nett, Paxton, Quickert, Robinson, Stone, Swinford.

SB 252 was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 252** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Announcements

Representative Swinford moved that the rules be suspended for the Introduction of a Resolution. Agreed.

Introduction of Resolution

HR 116, by Representative May: A RESOLUTION opposing the Paintsville Lake.

HR 116, A RESOLUTION opposing the Paintsville Lake.

WHEREAS, many business, civic, and church groups, as well as many of the residents of Morgan County and Johnson County, oppose the construction of the Paintsville Lake; and

WHEREAS, many hard-working and proud families would be forced to leave their homesteads, many of which have been handed down from generation to generation; and

WHEREAS, the members of these families would be forced to obtain new jobs in many instances; and

WHEREAS, reserves of coal in the area would be flooded and lost during a time of a national energy crisis; and

WHEREAS, oil reserves might very well result in extensive pollution of the lake to be created and result in rendering the lake useless for recreational purposes; and

WHEREAS, the project would result in disruption of trade and commerce through interference with the highway system; and

WHEREAS, the benefit-cost ratio is barely above unity and consequently only marginally economically feasible;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives is opposed to the continued construction of the Paintsville Lake.

Section 2. That copies of this resolution be sent to the Honorable Walter Huddleston, the Honorable Marlow W. Cook, the U.S. Army Corps of Engineers, Huntington District, Huntington, West Virginia, the Kentucky Department for Natural Resources and Environmental Protection, and the Kentucky Department of Parks.

Representative May moved the adoption of **HR 116.**

On the roll call the vote was yeas 26-Arnold, Bennett, Blandford, Burch, DeMarcus, Denham, Foster, Guenthner, Head, Hopkins, Hughes, Hurst, Kafoglis, Lindsay, Louden, May, Morgan, Overstreet, Pearman, Priddy, Siemens, Swinford, Troop, Van Horn, Watkins, Wible. Nays 19-Blythe, Brewer, Chandler, Crupper, Dunn, Givhan, Hancock, Hardin, Karem, Little, Mann, Nett, Romines, Schmaedecke, Schmidt, Sharpe, Thomas, Turner, Yates.

HR 116 was adopted.

Representative Swinford moved that the rules be suspended for the purpose of considering resolutions. Agreed.

Representative Swinford moved the adoption of the following **HR 110:**

HR 110, A RESOLUTION concerning the education of children suspended or expelled from school.

WHEREAS, certain children throughout the Commonwealth of Kentucky are out of school having been suspended or expelled for behavioral or social reasons; and

WHEREAS, it is the desire of this body that every child be given a full opportunity for an education;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Department for Human Resources, Commonwealth of Kentucky, and the Department of Education, Commonwealth of Kentucky, are instructed to agree upon a plan for locating children who are not receiving an education because of having been suspended or expelled from school for behavioral or social reasons and planning for the education of such children; and that the Legislative Research Commission is directed to evaluate any programs agreed to between the Department for Human Resources and the Department of Education and, further, to study the whole problem concerning such children and to propose any legislation necessary to remedy the situation to be considered by the 1976 General Assembly. The Department for Human Resources and the Department of Education are directed to cooperate with the Legislative Research Commission in its evaluation and study of this problem.

Section 2. The estimated cost of this study is $3,000.

HR 110 was adopted by voice vote.

Representative Swinford moved the adoption of the following **HR 111:**

HR 111, A RESOLUTION directing the Department of Revenue to conduct a comprehensive study of the state and local property tax structure, statutory provisions and administrative procedures pertaining thereto, and to prepare legislation which will provide for more equitable distribution of the tax burden and more efficient assessment and collection of property taxes for introduction in the 1976 General Assembly.

WHEREAS, the continued increase in the cost of living is placing greater demands on the property tax to support local schools and government; and

WHEREAS, fundamental questions have been raised concerning the continued use of the property tax as a primary source for local educational funding; and

WHEREAS, continued inflation in property values and recent Kentucky Constitutional amendments granting preferential treatment to specified categories of taxpayers and property have placed increased demands on assessing officials; and

WHEREAS, the increased demand upon the property tax and the assessors creates a parallel demand for more technical and professional assistance to those charged with valuing and assessing property for property taxes;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Kentucky Department of Revenue cause a study to be made of:

(a) The equalization of assessments among classes of property in the Commonwealth;
(b) Training of and providing assistance to local assessment personnel;
(c) Department of Revenue technical staff requirements to support local assessing authorities;
(d) The limited classification of property by rate;
(e) Classification of property for local tax purposes;
(f) Current Constitutional exemptions;
(g) Current rate limitations for local government and schools.

Section 2. That the Department of Revenue shall report the results of the study and submit the proposed legislation to the Interim Committee on Appropriations and Revenue before July 1, 1975.

Section 3. That the Department may obtain the testimony of recognized experts in the field of property taxation.

HR 111 was adopted by voice vote.

Representative Beshear moved that the vote on **SB 315** be reconsidered.

Adjournment

Representative Swinford moved that the House adjourn until 10:00 A.M., Thursday, March 21, 1974.

On the roll call the vote was yeas 47-Adams, Arnold, Bennett, Blandford, Blume, Bruce, Chandler, Clarke, Denham, Dunn, Foster, Givhan, Guenthner, Head, Holbrook, Hopkins, Hughes, Hurst, Isler, Kenton, Kleier, Lewis, Lindsay, Little, Louden, May, McBee, McBrayer, McBride, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Robinson, Schmidt, Siemens, Swinford, Troop, Van Horn, Vincent, Watkins, Wible, Yates. Nays 18-Beshear, Davis, Dawahare, Hancock, Hellard, Holloway, Imes, Kafoglis, Karem, King, Mann, Mason, Richardson, Romines, Schmaedecke, Sharpe, Stephens, Stone.

The motion to adjourn was adopted.

THURSDAY, MARCH 21, 1974

FIFTY-NINTH LEGISLATIVE DAY

The House was called to order by Speaker Blume.

Prayer by the Reverend Herman Bowers, First Baptist Church, Frankfort.

The roll was called. All present except Representatives E. Brown, Hardin, Stewart and Turner.

Representative Isler moved that absent members be granted leave of absence in accordance with the rules of the House. Agreed.

The following members filed excuses: Representatives E. Brown, Hardin, Stewart, and Turner.

Representative Hughes moved that the reading of the Journal of March 20, 1974, be dispensed with and the same approved. Agreed.

Report on Enrolled Bills

HB 1, HB 19, HB 96, HB 125, HB 136, HB 223, HB 253, HB 403, HB 438, HB 447, HB 458, HB 469, HB 506, HB 507, HB 515, HB 545, HB 552, HB 574, HB 589, HB 607, HB 637, HB 652, HB 686, HB 732, HB 734, HB 742, HB 746, HB 747, HB 752, HB 759, HB 770, HB 790, HB 802, HB 820, HB 822, HB 834, HJR 41, HJR 42, HCR 52, HCR 60, and **HCR 62** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Senate Message

Announcing passage of **HB 671, HB 655** with Amendment, **HB 100** with Amendment, **HB 426** with Amendment, **HB 657** with Amendment, **HB 361, HB 430, HB 604, HB 190, HB 813, HB 459** with Amendment, **HB 860** with Amendment, **HB 3** with Amendment, **HB 176** with Amendment, **HB 398, HB 712, HB 697, HB 778, HB 640.**

Introduction of Bills and Resolutions

HR 117, by Representatives Kidd, Kleier, Bennett, Benson, Blume, Blythe, Burch, Chandler, Dunn, Guenthner, Holloway, Hughes, Karem, Maynard, McGill, Nett, O'Brien, Priddy, Quickert, Romines, Siemens and Yates: A RESOLUTION commending the Louisville Central High School "Yellowjackets" for winning the State High School Basketball Trounament.

Representative Kidd moved the adoption of the following **HR 117:**

HR 117, A RESOLUTION commending the Louisville Central High School "Yellowjackets" for winning the State High School Basketball Tournament.

WHEREAS, the Louisville Central High School "Yellowjackets" did on Saturday, March 16, 1974, emerge triumphant in the 1974 State High School Basketball Tournament; and

WHEREAS, coach Bob Graves and this fine team are to be commended for a brilliant display of basketball prowess and stamina; and

WHEREAS, this House of Representatives deems it highly appropriate to recognize such achievement in a manner most fitting and proper thereto;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives does hereby commend and honor the Louisville Central High School "Yellowjackets", and coach Bob Graves, upon winning the State High School Basketball Tournament, March 16, 1974.

Section 2. That the Clerk is hereby directed to dispatch a copy of this resolution to Coach Graves and each member of his team.

HR 117 was adopted by voice vote.

Representative McGill moved the adoption of the following Legislative Citation No. 154:

The House of Representatives of the Commonwealth of Kentucky hereby commends the Central High School Yellowjackets Basketball Team, Coach Robert Graves, and the cheerleaders for their spectacular 59-54 victory over Male High School in the final game of the Kentucky State Basketball Trounament; and extends an invitation to the team, coaches, and cheerleaders to be guests of the General Assembly on March 21, 1974. (sponsored by Representative McGill)

Agreed.

Representative Romines moved that all members be listed as co-sponsors of **HR 117.** Agreed.

Recess

Representative Swinford moved that the House recess for ten minutes. Agreed.

At the appointed hour, the Speaker Pro Tempore assumed the Chair and called the House to order.

Representative R. Brown moved that the rules be suspended for the purpose of reconsidering **SB 315.**

On the roll call the vote was yeas 23-Arnold, Bennett, Beshear, R. Brown, Davis, Dawahare, Freeman, Gay, Hancock, Hurst, Isler, Kenton, King, Little, Mason, May, McBee, Richardson, Romines, Stephens, Stone, Van Horn, Yates. Nays 19-Blandford, Blume, Bowles, Chandler, Clarke, Denham, Dunn, Guenthner, Hopkins, Hughes, Kafoglis, Karem, Nett, O'Brien, Siemens, Smith, Vincent, G. White, Whitfield.

The motion that the rules be suspended for the purpose of reconsidering **SB 315** was rejected.

Orders of the Day

Representative Beshear moved that the House concur in the following Senate Amendment to **HB 800:**

Amend printed copy of House Bill 800, page 1, line 17, by placing a "." following the word "statute"

and by deleting lines 18, 19 and 20 in their entirety

and on page 2, lines 1 and 2 deleting those lines in their entirety

Agreed.

On the roll call the vote was yeas 60-Adams, Bennett, Benson, Beshear, Blandford, Blume, Bowles, R. Brown, Chandler, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hellard, Hinkle, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, Morgan, Nett, O'Brien, Pearman, Quickert, Rattliff, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Swinford, Thomas, Vincent, Yates. Nays 4-Allen, Priddy, Stone, Van Horn.

HB 800 as amended was passed and the title agreed to.

Representative Beshear moved that the vote by which **HB 800** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 242, SB 254, SB 256, SB 331, SB 216,** and **SR 50** had been examined and found correctly enrolled. **SB 242, SB 254, SB 256, SB 331, SB 216,** and **SR 50** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Orders of the Day (continued)

Representative Imes moved that the House refuse to concur in the following Senate Amendment to **HB 126:**

Amend printed copy of House Bill 126, pages 4, 6, lines 13,24, by deleting *"six (6) months"* and substituting in lieu thereof *"one (1) year"*

Agreed.

Representative McBride moved that the House concur in the following Senate Amendment to **HB 627:**

Amend printed copy of House Bill 627, page 5, line 9, by adding after the word "subdivided" the following: *"any division or redivision of land into parcels of less than one acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this act."*

and on page 4, line 26, by inserting after line 26 the following: *"except in a county containing a city of the first, second or third class or in an urban county government where a subdivision means the division of a parcel of land into two or more lots or parcels;"*

Agreed.

On the roll call the vote was yeas 42-Arnold, Bennett, Beshear, Blandford, Blume, Bowles, Chandler, Clarke, Dietz, Donnermeyer, Foster, Graves, Guenthner, Hellard, Holbrook, Holloway, Hurst, Imes, Isler, Kenton, Kidd, Lewis, Little, Louden, Mann, Mason, McBee, McBrayer, McBride, McGill, O'Brien, Pearman, Paxton, Romines, Sale, Schmaedecke, Schmidt, Stephens, Thomas, Vincent, Whitfield, Yates. Nays 22-Allen, R. Brown, Burch, Crupper, Davis, Denham, Freeman, Hancock, Hinkle, Hislope, Hughes, Kafoglis, Karem, Overstreet, Quickert, Richardson, Robinson, Smith, Troop, Van Horn, Watkins, G. White.

HB 627 as amended was passed and the title agreed to.

Representative McBride moved that the vote by which **HB 627** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Kenton moved that the House concur in the following Senate Amendment to **HB 477:**

Amend printed copy of House Bill 477, page 8, line 20 before the word "operations" add the words, ", hotel and motel"

Agreed.

On the roll call the vote was yeas 63-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Bowles, R. Brown, Chandler, Clarke, Crupper, Denham, Dietz, Donnermeyer, Foster, Givhan, Graves, Guenthner, Hancock, Head, Hellard, Hislope, Holloway, Hughes, Hurst, Imes, Isler, Kafoglis, Kenton, Kidd, King, Lewis, Lindsay, Little, Mann, Mason, May, McBee, McBrayer, McBride, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, Yates. Nays 4-Allen, Gay, Hinkle, Smith.

HB 477 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 477** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Bruce moved that the House concur in the following Senate Amendment to **HB 42:**

Amend printed copy of House Bill 42 on page 4, line 23 following the word "file" insert the word "an"

Agreed.

On the roll call the vote was yeas 65-Adams, Allen, Arnold, Bennett, Benson, Beshear, Blandord, Blume, Bowles, R. Brown, Bruce, Burch, Chandler, Clarke, Crupper, Davis, Dawahare, Dietz, Donnermeyer, Foster, Freeman, Givhan, Guenthner, Hancock, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hughes, Imes, Isler, Kafoglis, Kidd, King, Lewis, Little, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Robinson, Romines, Sale, Schmidt, Sharpe, Swinford, Van Horn, Vincent, Watkins, Wells, Wible, Yates. Nays 2-Graves, Smith.

HB 42 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 42** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Mann moved that the House concur in the following Senate Amendment to **HB 174:**

Amend printed copy of House Bill 174, page 1, lines 1-12, by deleting those lines in their entirety

and on page 1, line 13, by deleting "2" and inserting in lieu thereof "1"

and on page 1, line 15, by inserting after "act," the number "(1)"

and on page 1, line 16, by deleting "." inserting in lieu thereof: "; and (2) 'license' means any licenses, certificates, registrations, or other means to engage in a business or profession regulated by state law or regulation."

and on page 1, line 17, by deleting "3" inserting in lieu thereof "2"

and on page 2, line 2, by deleting "4" inserting in lieu therof "3"

and on page 2, line 3, by deleting "4" inserting in lieu thereof "3"

and on page 2, line 16, by deleting "5" inserting in lieu thereof "4"

and on page 2, line 19, by deleting "4" inserting in lieu thereof "3"

and on page 2, line 22, by deleting "6" inserting in lieu thereof "5"

and on page 3, line 2, by deleting "7" inserting in lieu therof "6"

and on page 3, line 11, by deleting "8" inserting in lieu thereof "7"

and on page 4, line 3, by deleting "9" inserting in lieu thereof "8"

and on page 4, line 7, by deleting "8" inserting in lieu thereof "7"

and on page 4, line 14, by deleting "8" inserting in lieu thereof "7"

and on page 4, line 16, by deleting "12" inserting in lieu thereof "11"

and on page 4, line 17, by deleting "10" inserting in lieu thereof "9"

and on page 4, line 22, by deleting "11" inserting in lieu thereof "10"

and on page 5, line 6, by deleting "12" inserting in lieu thereof "11"

and on page 5, after line 11, insert the following:

"Section 12. A new section of KRS Chapter 344 is created to read as follows:

No person may have his license suspended or revoked on the grounds of conviction of crime unless he is found not to possess good moral character as defined under Section 3 of this act."

Agreed.

On the roll call the vote was yeas 46-Bennett, Benson, Beshear, Blandford, Blume, Bowles, Chandler, Clarke, Dietz, Donnermeyer, Givhan, Harris, Hellard, Hinkle, Isler, Kafoglis, Kidd, King, Little, Louden, Mann, Mason, McBee, McBrayer, McBride, McGill, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Richardson, Romines, Sale, Schmidt, Sharpe, Smith, Swinford, Troop, Van Horn, Vincent, Watkins, Wells, Whitfield, Wible. Nays 14-Allen, Bruce, Crupper, Davis, DeMarcus, Denham, Graves, Guenthner, Hancock, Hislope, Holbrook, Holloway, Hughes, Imes.

HB 174 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 174** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Kafoglis moved that the House concur in the following Senate Amendment to **HB 68:**

Amend printed copy of House Bill 68, page 10, line 15, by adding the word "reportable" before the word "contribution"

and on page 12, line 9, by deleting the figure "$25" and insert in lieu thereof the figure "$100"

and on line 12 by deleting the figure "$500" and insert in lieu thereof the figure "$1500"

and on line 23 by adding after the word "filed" the words "by the candidate or committee"

Agreed.

On the roll call the vote was yeas 71-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Bowles, Chandler, Clarke, Crupper, Davis, Dawahare, Dietz, Donnermeyer, Foster, Freeman, Givhan, Graves, Guenthner, Hancock, Harris, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Kenton, Kidd, King, Lewis, Lindsay, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Rattliff, Reynolds, Richardson, Romines, Sale, Schmidt, Sharpe, Smith, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, Wells, G. White, Wible, Yates. Nays 3-Allen, DeMarcus, Little.

HB 68 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 68** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Morgan moved that the House concur in the following Senate Amendment to **HB 579:**

Amend printed copy of House Bill 579 page 15, line 3, by deleting the word *"three"* and inserting in its place the word *"two"*

and on page 17, line 20, after the word "service", by deleting the following: *", subsequent to"*

and on page 17, line 21, by deleting the following *"July 1, 1972,"*

Agreed.

On the roll call the vote was yeas 83-Adams, Allen, Arnold, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Bruce, Burch, Chandler, Clarke, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Harris, Head, Hellard, Hinkle, Hislope, Holbrook, Holloway, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Kenton, Kidd, King, Lewis, Lindsay, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Priddy, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, Wells, G. White, Whitfield, Wible, Yates. Nays 0.

HB 579 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 579** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Thomas moved that the House refuse to concur in the following Senate Amendment to **HB 538:**

Amend printed copy of House Bill 538 page 1, lines 3 and 4, by deleting lines 3 and 4 in their entirety, and by adding in lieu thereof the following: "Sections 2 through 7 of this Act shall be known as "The Alcohol and Drug Education Act of 1974." Sections 8 through 12 of this Act shall be known as "The Consumer Education Act of 1974."

page 4, line 22, by deleting line 22 in its entirety, and by adding thereafter the following:

"Section 8. A new section of KRS Chapter 158 is created to read as follows:

The Department of Education shall administer the Consumer Education Act of 1974, pursuant to regulations adopted by the State Board of Education. In administering this Act, the Department of Education shall take into consideration the advice of the Secretary of Consumer Protection and Regulation or his designated representative, the State Consumer Advisory Council, and the Consumer Protection division of the office of the Attorney General.

"Section 9. A new section of KRS Chapter 158 is created to read as follows:

(1) Instruction in consumer education shall be conducted in the elementary and secondary schools in conjunction with courses in any appropriate area of study.

(2) Such instruction shall be sequential in nature and suited to meet the needs of the students at their respective grade level.

Section 10. A new section of KRS Chapter 158 is created to read as follows:

The Department of Education shall develop a comprehensive state-wide program in consumer education by assuming the following functions:

(1) Assist in the development of model curricula for the public schools in consumer education:

(2) Identify innovative teaching methods for the instruction of consumer education in the public schools;

(3) Develop methods of evaluating the effectiveness of instruction in consumer education;

(4) Assist school districts in conducting teacher in-service education programs on consumer education;

(5) Assist teacher education institutions in the development of courses on consumer education; and

(6) Administer pilot projects on consumer education in the schools and conduct teacher in-service education.

"Section 11. A new section of KRS Chapter 158 is created to read as follows:

The Department of Education shall develop and establish a consumer education training program for public school teachers and administrators to provide training at the local district level.

"Section 12. A new section of KRS Chapter 158 is created to read as follows:

The governing board of each local school district shall adopt a policy regarding consumer education programs by resolution in accordance with guidelines approved by the State Board of Education and consistent with the provisions of this Act, specifying among other things, the curriculum to be utilized in teaching consumer education, provisions for in-service training and curriculum assistance to teachers."

"Section 13. KRS 158.270 is repealed."

and on page 1, line Title, by deleting the title "AN ACT relating to the instruction of alcohol and drug use." and by adding in lieu thereof "AN ACT relating to education."

On the roll call the vote was yeas 40-Bennett, Blandford, Blume, Burch, Clapp, Clarke, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Hellard, Hislope, Holloway, Hughes, Isler, Lewis, Lindsay, Mann, May, McBee, McBride, Nett, O'Brien, Overstreet, Paxton, Quickert, Rattliff, Reynolds, Sale, Schmidt, Smith, Swinford, Thomas, Wells, Whitfield, Wible. Nays 37-Adams, Allen, Arnold, Benson, Beshear, Blythe, Bowles, Brewer, R. Brown, Chandler, Davis, Givhan, Guenthner, Hancock, Harris, Hinkle, Holbrook, Hopkins, Hurst, Imes, Kafoglis, Karem, Kenton, Kidd, Louden, Mason, Richardson, Robinson, Schmaedecke, Sharpe, Stephens, Stone, Troop, Van Horn, Vincent, Watkins, Yates.

The motion that the House refuse to concur in the Senate Amendment to **HB 538** was adopted.

Representative Schmidt moved that the House concur in the following Senate Committee Substitute for **HB 517:**

HB 517, AN ACT relating to school taxes.
WHEREAS, it is the specific intent of the legislature to provide that school taxes be levied in the school district rather than county-wide; and
WHEREAS, it is desirable that a referendum be held on the tax, if a certain number of voters equal to a specific percentage of the votes cast in the district, protest the tax;
NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 160.593 is amended to read as follows:
(1) Any board of education of a school district may, after compliance with the public hearing requirement contained in KRS 160.603, request the fiscal court to levy in its district one (1) of the school taxes authorized by KRS *160.593 to 160.597, 160.601 to 160.633, 160.635 to 160.648* [160.605 to 160.611,

160.613 to 160.617, and 160.621 to 160.633]. The fiscal court shall levy in the district, within fifteen (15) days of such request, the school tax at the rate requested *and the levy shall take effect not less than thirty (30) days nor more than ninety (90) days after the passage of the order or resolution. The imposition of any tax levied under the provisions of this Act shall be limited to the territory of the school district or districts requesting the levy.* [All taxes referred to in this section shall be levied on a county-wide basis unless the school board of a school district within the county requests that the tax levied shall not be assessed against the residents of its school district, in which case the residents of that school district shall be exempted from the tax.] In those counties where one (1) of the taxes referred to by this section is in effect *county-wide* on *the effective date of this Act,* [June 16, 1972,] the taxes shall continue to be levied on a county-wide basis. Revenue produced by such taxes shall be distributed on *the basis of* [an] average Daily Attendance, *as set forth in KRS 160.644,* to those districts levying such taxes.

(2) Two or more boards of education within a county may make a joint request for the tax to be levied in their respective districts.

Section 2. KRS 160.603 is amended to read as follows:

No school district board of education shall request the fiscal court to levy any of the school taxes authorized by KRS *160.593 to 160.597, 160.601 to 160.633, 160.635 to 160.648* [160.605 to 160.611, 160.613 to 160.617, 160.621 to 160.633] until after compliance with the following:

(1) The [county] school district board of education *desiring to request the levying of any one of these taxes* shall give notice of any proposed request for the levy of one (1) of the school taxes [authorized by KRS 160.605 to 160.611, 160.613 to 160.617, 160.621 to 160.633]. Notwithstanding any statutory provisions to the contrary, notice shall be given by causing to be published, at least one (1) time in a newspaper of general circulation published in the county or by posting at the courthouse door if there be no such newspaper, the fact that such request is being proposed. *The* [Said] advertisement shall state that the [county] district board of education will meet at a place and on a day fixed in the advertisement, not earlier than one (1) week and not later than two (2) weeks from the date of the advertisement, for the purpose of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposal.

(2) The [county] school district board of education shall conduct a public hearing at the place and on the date advertised for the purpose of hearing comments and complaints regarding the proposed request and explaining the reasons for such proposal.

(3) In the event that more than one school district within a county desires to request the levying of any one of these taxes, the boards of education shall make a joint advertisement and hold a joint hearing in the manner prescribed heretofore for an individual school district.

Section 3. KRS 160.635 is amended to read as follows:

School taxes imposed under the provisions of KRS *160.593 to 160.597, 160.601 to 160.633, 160.635 to 160.648* [160.605 to 160.611, 160.613 to 160.617, 160.621 to 160.633] shall remain in full force and effect from year to year until *the* [all] board[s] of education *has* [within the county have] certified to the fiscal court *a* request[s] for a reduction of the rate in effect. If a reduction in rate is requested, the fiscal court shall reduce the rate to the requested amount. The fiscal court may require *the* [each] board of education to make an annual certification as to the need and necessity for the continuance of the current tax. *In the event that more than one board of education within a county has one of these taxes in effect, each board of education desiring a tax rate reduction shall provide an individual certification of the tax rate reduction desired for that district.*

Section 4. KRS 160.644 is amended to read as follows:

The school taxes and penalties collected under KRS *160.593 to 160.597, 160.601 to 160.633, 160.635 to 160.648* [160.605 to 160.611. 160.613 to 160.617, 160.621 to 160.633] shall be distributed to the treasurer of the board of education of *the* [each] school district [in the county]. *In the event that more than one board of education within the county is participating in one of these tax levies, the funds collected shall be distributed* in proportion to the *tax rate levied and the* number of pupils in average daily attendance in *the participating* [each] districts as shown by the final certification by the *Superintendent of Public Instruction* [superintendent of public instruction] for the previous school year pursuant to the provisions of KRS 157.310 to 157.440.

Section 5. KRS 160.646 is amended to read as follows:

(1) In the event that any tax authorized by KRS *160.593 to 160.597, 160.601 to 160.633, 160.635 to 160.648* [160.605 to 160.611, 160.613 to 160.617, 160.621 to 160.633] is levied by a fiscal court, the county judge, with the approval of the fiscal court, shall appoint a [county] finance officer, who shall be responsible for the administration of *the* [such] tax. The position of [county] finance officer may be full-time or part-time, and his compensation shall be fixed by the fiscal court. No elected official shall be appointed to the position of [county] finance officer. [but such officer may be the county treasurer or the county auditor. The fiscal court shall furnish suitable office facilities for the county finance officer and may provide such additional space and personnel as may be necessary.]

(2) In the event that the same tax is levied by two or more districts in the county, the finance officer shall serve in this same capacity for all districts levying the tax.

Section 6. KRS 160.597 is amended to read as follows:

Any order or resolution of a fiscal court levying a school tax authorized by KRS *160.593 to 160.597, 160.601 to 160.633, 160.635 to 160.648* [160.605 to 160.611, 160.613 to 160.617, 160.621 to 160.633] may be recalled as *follows:* [provided in subsections (2) and (3) of KRS 160.485.]

(1) The order or resolution of the fiscal court levying any of the school taxes designated heretofore in this section shall go into effect not less than thirty (30) days nor more than ninety (90) days after its passage by the fiscal court. If during the thirty days immediately following the passage of the order or resolution a petition signed by a number of registered and qualified voters equal to fifteen per cent of the votes cast in the school district requesting the tax levy for the office receiving the greatest total vote at the last preceding presidential election is presented to the fiscal court protesting against passage of the order or resolution, the order or resolution shall be suspended from going into effect for that district until after the election provided for in subsection (2) of this section. In the event that more than one school district within a county has requested the tax levy, a separate petition meeting the requirements herein must be filed for each school district. The fifteen per cent requirement must be met in each respective participating school district. Each sheet of the petition shall contain the names and addresses of voters in but one voting precinct and each sheet shall state the name, number, or designation of the precinct and, where applicable, the name, number or designation of the district or ward wherein the precinct is situated. Each voter shall sign his name in the same manner as he signed the current registration form described in KRS 117.630 or subsection (2) of KRS 117.720, as the case may be. If the signature is difficult to read, the voter shall, on the same line legibly write or print his name in the same fashion as he signed it. One or more persons shall verify by affidavit the signatures and addresses of the signers of the petition. The board or boards of registration in the county shall provide necessary and appropriate aid to the fiscal court so that the latter body may make the determination of whether the petition contains enough signatures of qualified voters to suspend the effect of the order or resolution.

(2) Thereupon, the fiscal court shall submit to the voters of the school district in which a valid recall petition has been filed pursuant to subsection (1) of this section at the next regular November election the question as to whether the tax shall be levied. The question shall be so framed that the voter may by his vote answer, "for" or "against." If a majority of the votes cast in a district upon the question oppose its passage, the order or resolution shall not go into effect in that district. If a majority of the votes cast in a district upon the question favor its passage, the order or resolution shall go into effect in that district. In the event that the election is to be held in more than one school district within a county the votes shall be counted separately.

(3) In the event that the order or resolution includes more than one school district within a county and a valid recall petition has not been filed as required by this section against one or more of these school districts, the levy may be made in that school district or districts without regard to any recall petition pending or voted thereon in another school district within the county.

Agreed.

On the roll call the vote was yeas 59-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Burch, Chandler, Clarke, Crupper, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hinkle, Holbrook, Isler, Karem, Kenton, Kidd, King, Lewis, Louden, Mann, Mason, McBee, McBrayer, McGill, Morgan, O'Brien, Overstreet, Paxton, Rattliff, Reynolds, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Swinford, Thomas, Vincent, Whitfield, Wible, Yates. Nays 9-Allen, Hellard, Hughes, Imes, Kafoglis, Priddy, Robinson, Stone, Van Horn.

HB 517, by way of Senate Committee Substitute, was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 517,** by way of Senate Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Morgan moved that the House concur in the following Senate Amendment to **HB 369:**

Amend printed copy of House Bill 369, pages 1 through 4, by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. A new section of KRS Chapter 61 is created to read as follows:

A member eligible to purchase military service under subsection (4) of KRS 61.555 shall receive current service credit for military service as provided under KRS 61.555 (4) without payment of the current employe contribution ratio if such member was taken prisoner by a hostile power at any time during their active military service.

Section 2. A new section of KRS Chapter 78 is created to read as follows:

(1) Any member of a retirement system created pursuant to KRS 90.300 through 90.420 notwithstanding any provisions of the statutes to the contrary, may elect to terminate coverage under the retirement system in which he is a member, if the city or urban county government has adopted the provisions of the County Employes Retirement System pursuant to KRS 78.510 through 78.990.

(2) If the city or urban county government elects the alternate participation plan, as set forth in KRS 78.530 (3), employe contributions made to the fund under authority of KRS 90.400 (1) shall be paid to the County Employes Retirement System and credited to the individual member's account in the system for any employe electing to terminate coverage under the provisions of this section. Proper credit for these employe contributions shall be given to the city or urban county government in computing the cost of participation under the alternate participation plan as provided by KRS 78.530 (3).

(3) If the city or urban county government does not elect the alternate participation plan as set forth in KRS 78.530 (3), the employe contributions paid into the fund under authority of KRS 90.400 (1) by each employe electing to terminate coverage under the provisions of this section shall be refunded to the employe without interest, unless the employe has a vested account in which case he may elect to leave his contributions in the fund in order to later receive a pension when he becomes eligible."

Agreed.

On the roll call the vote was yeas 62-Allen, Arnold, Bennett, Benson, Beshear, Blume, Bowles, Bruce, Chandler, Crupper, Dawahare, DeMarcus, Denham, Donnermeyer, Foster, Givhan, Graves, Guenthner, Hancock, Harris, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Louden, Mann, Mason, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Overstreet, Paxton, Priddy, Quickert, Rattliff, Robinson, Sale, Schmaedecke, Sharpe, Siemens, Smith, Stone, Swinford, Thomas, Van Horn, Watkins, Wells, Whitfield, Wible. Nays 3-Blythe, Lewis, Stephens.

HB 369 as amended was passed and the title agreed.

Representative Swinford moved that the vote by which **HB 369** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Benson filed the following Majority Report of the Conference Committee on **SB 135:**

The Conference Committee on Senate Bill 135 met on March 19, 1974, and recommends the following:

That the House recede its amendments to Senate Bill 135.

Representative Overstreet filed the following Minority Report of the Conference Committee on **SB 135:**

May it please this honorable body that the under-signed member of the Senate-House conference committee on Senate Bill No. 135 does respectfully ask that the House not concur with the majority report and instead keep the amendments as attached to same bill by this House. s/Rep. Raymond Overstreet

Representative Benson moved the adoption of the Majority Report of the Conference Committee on **SB 135.**

On the roll call the vote was yeas 47-Arnold, Benson, Beshear, Blume, Blythe, R. Brown, Burch, Chandler, Clarke, Dawahare, Dietz, Donnermeyer, Foster, Givhan, Graves, Head, Hellard, Hinkle, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Little, Louden, Mann, Mason, McBee, McBride, McGill, Morgan, O'Brien, Paxton, Quickert, Reynolds, Sale, Siemens, Stephens, Swinford, Thomas, Vincent, Whitfield, Wible. Nays 28-Allen, Bennett, Bowles, Crupper, Davis, DeMarcus, Dunn, Guenthner, Hancock, Holbrook, Holloway, Hopkins, Hughes, Hurst, Overstreet, Priddy, Rattliff, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Smith, Stone, Troop, Van Horn, Watkins, J. White.

The motion that the Majority Report of the Conference Committee on **SB 135** be adopted was adopted.

On the roll call the vote was yeas 62-Adams, Benson, Beshear, Blume, Blythe, Brewer, R. Brown, Burch, Chandler, Clarke, Crupper, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Givhan, Graves, Harris, Head, Hellard, Hinkle, Holbrook, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Little, Louden, Mann, Mason, McBee, McBride, McGill, Morgan, O'Brien, Pearman, Paxton, Quickert, Reynolds, Richardson, Sale, Schmaedecke, Schmidt, Siemens, Stephens, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible. Nays 9-Allen, Bennett, DeMarcus, Hancock, Hughes, Rattliff, Robinson, Smith, Stone.

SB 135, without House Amendments, was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 135** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 84, HB 92, HB 190, HB 361, HB 398, HB 430, HB 443, HB 526, HB 528, HB 604, HB 697, HB 712, HB 744, HB 775, HB 778, HB 813, HB 477, HB 627, HB 640,** and **HB 800** had been examined and found correctly enrolled. **HB 84, HB 92, HB 190, HB 361, HB 398, HB 430, HB 443, HB 526, HB 528, HB 604, HB 697, HB 712, HB 744, HB 775, HB 778, HB 813, HB 477, HB 627, HB 640,** and **HB 800** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 84, HB 92, HB 190, HB 361, HB 398, HB 430, HB 443, HB 526, HB 528, HB 604, HB 697, HB 712, HB 744, HB 775, HB 778, HB 813, HB 477, HB 627, HB 640, and **HB 800** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (continued)

The Speaker appointed the following Conference Committee in regard to **HB 314:** Representative Paxton, Chairman; Representative Lindsay, Representative Donnermeyer, Representative Clarke, and Representative Holloway.

Recess

Representative Swinford moved that the House recess until 2:00 P. M. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative Swinford moved that the rules be suspended for action on Legislative Citations. Agreed.

Representative May moved the adoption of the following Citation No. 176:

The House of Representatives of the Commonwealth of Kentucky hereby honors Miss Agnes Paulette Combs of Frenchburg, Menifee County, Kentucky, who has been chosen "Miss Teen of Kentucky", and who is now entitled to compete for the National Miss Teen title in New York. Privilege of the floor is granted to Miss Combs, and the membership wish her well in the National Competition. (Sponsored by Representative May)

Agreed.

Orders of the Day (continued)

Representative Lewis moved that the House concur in the following Senate Amendment to **HB 232:**

Amend printed copy of House Bill 232, page 3, line 13, by deleting "consitute" and inserting in lieu thereof "constitute";

and on page 5, line 3, by deleting after the words "if the" the word "the";

and on page 11, line 22, by deleting "ot" and substituting in lieu thereof "to";

and on page 19, line 9, by deleting "489";

and on page 29, line 21, by deleting "other" and substituting in lieu thereof "others";

and on page 35, line 4, by deleting "lack" and substituting in lieu thereof "lacks";

and on page 39, line 8, by deleting after the word "court" the following: ", which has not subsequently been set", and on line 9, by deleting "aside,";

and on page 40, line 17, by deleting "1100";

and on page 46, line 8, by deleting "ony" and substituting in lieu thereof "only";

and on page 49, line 9, by deleting "1349";

and on page 52, line 17, by deleting the word "or", and on line 19, by deleting the period at the end of the sentence and substituting in lieu thereof "; or";

and on page 53, line 12, by deleting the colon ":" and substituting in lieu thereof a period ".";

and on page 56, line 19, by deleting "1576";

and on page 69, line 1, by adding after the word "knows" the words "or should know", and on line 18, by deleting the words "at night";

and on page 70, line 7, by deleting the comma "," and substituting in lieu thereof a semicolon ";";

and on page 70, line 15, by deleting "2041";

and on page 81, line 1, by deleting "2366", and between lines 15 and 16, by adding the following new section:

"(3) It shall be prima facie evidence of intent to commit theft by fraud when one who has leased or rented the personal property of another fails to return the personal property to its owner within 10 days after the lease or rental agreement has expired. It shall also be prima facie evidence of intent to commit theft by fraud when one presents to the owner identification which is false, fictitious or not current as to name, address, place of employment or other items of identification for the purpose of obtaining the lease or rental agreement. Nothing herein contained shall relieve the owner from making demand for return of property so leased or rented. Notice addressed and mailed to the lessee or renter at the address given at the time of the making of the lease or rental agreement shall constitute proper demand."

and on page 82, line 21, by deleting the period "." and substituting in lieu thereof "; or";

and on page 83, line 8, by deleting "othern" and substituting in lieu thereof "other";

and on page 85, line 22, by deleting "known" and substituting in lieu thereof "know";

and on page 88, line 21, by deleting "2593";

and on page 103, line 23, by deleting "administration" and substituting in lieu thereof "administrator";

and on page 107, line 8, by deleting "A s" and substituting in lieu thereof "As";

and on page 121, by adding between lines 20 and 21 the following: "Section 184. A new section of KRS Chapter 521 is created to read as follows: ", and on line 21, by deleting "Section 184.";

and on page 133, by deleting lines 3, 4 and 5 in their entirety;

and on page 139, line 23, by adding after the word "alarm" the words "and serves no purpose of legitimate communication";

and on page 140, line 24, by adding a period "." after the word "services" and deleting the words "or for the purpose of entertaining per-", and by deleting lines 25 and 26 in their entirety;

and on page 42, line 16, by deleting "; or" and substituting in lieu thereof a period ".", and on line 17, by deleting line 17 in its entirety, and on line 25, by deleting "(2)" and substituting in lieu thereof "(3)" and by deleting after the word "Class" the letter "B" and substituting in lieu thereof the letter "A";

and on page 144, line 13, by deleting "4230";

and on page 147, line 15, by deleting "236" and substituting in lieu thereof "235";

and on page 148, line 26, by deleting the comma "," after the word "States" and substituting in lieu thereof a semicolon ";";

and on page 149, line 3, by deleting after the word "amended" the following: ", and" and by placing a period "." after the word "amended";

and on page 155, line 6, by deleting "connecting" and substituting in lieu thereof "connection";

and on page 156, line 1, by deleting "4558";

and on page 164, line 6, by adding after the word "can" the word "reasonably", and on line 17, by deleting "informity" and substituting "infirmity";

and on page 165, line 10, by adding after "(a)" the words "Acting other than as a retail licensee," and by deleting the word "He" and substituting in lieu thereof "he", and on line 21, by deleting the words "Acting other than as a retail licensee" and by also deleting the word "he" and substituting in lieu thereof "He";

and on page 167, by deleting lines 1 through 7 in their entirety and substituting in lieu thereof the following:

"(3) "Obscene" means:

(a) To the average person, applying contemporary community standards, the predominant appeal of the matter, taken as a whole, is to prurient interest in sexual conduct; and

(b) The matter depicts or describes the sexual conduct in a patently offensive way; and

(c) The matter, taken as a whole, lacks serious literary, artistic, political, or scientific value."

and on page 170, line 1, by deleting "4991";

and on page 181, line 18, by adding after the word "institution" the following: ", provided, however, such person may be transferred to another institution pursuant to rules and regulations of the Department of Corrections";

and on page 183, line 19, by deleting the words "or life imprison-" and line 20, by deleting "ment without privilege of parole";

and on page 190, line 18, by deleting "293" and substitituting in lieu thereof "295";

and on page 200, line 20, by deleting "[(4)]" and substituting in lieu thereof "[(5)]";

and on page 201, line 3, by deleting "[(5)]" and substituting in lieu thereof "[(6)]", and on line 4, by deleting "(4)" and substituting in lieu thereof "(3)";

and on page 206, line 12, by adding "(1)" at the beginning of line 12, and on line 18, by adding "(2)" at the beginning of line 18, and on line 18 also, by placing a bracket "]" after "(3)", and on line 21, by removing the bracket "]" at the end of the sentence;

and on page 213, line 26, by removing the bracket "]" at the end of the sentence;

and on page 214, line 22, by underlining the words "be guilty of" and by adding after the bracket "[" and before the word "larceny" the word "constitute";

and on page 217, line 24, by adding after "(8)," the word "or" and by placing a bracket "[" after "(9)" amd before the word "or" and by deleting the bracket "[" before the figure "10" and substituting a parenthesis "(";

and on page 218, line 26, by deleting "(13)" and substituting in lieu thereof "(12)" and by deleting "(14)" and substituting in lieu thereof "(13)";

and on page 219, line 9, by adding after the word "violator" the word "of";

and on page 241, line 1, by deleting the period "." after the word *"another"*;

and on page 243, line 6, by adding after "432.445," the figure "432.450," and on line 19, by deleting the figure "433.870,";

and on page 244, line 24, by deleting "337" and substituting in lieu thereof "338";

and on page 108, line 19, by deleting the words "other than a horse", and on line 23, by adding after the word "animal," the words "other than a horse,".

Agreed.

On the roll call the vote was yeas 73-Adams, Arnold, Bennett, Benson, Blandford, Blume, Blythe, Bowles, R. Brown, Bruce, Chandler, Crupper, Davis, Dawahare, DeMarcus, Dietz, Foster, Freeman, Gay, Givhan, Guenthner, Hancock, Harris, Head, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, King, Kleier, Lewis, Little, Louden, Mason, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Priddy, Quickert, Reynolds, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Smith, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, Wells, J. White, Whitfield, Wible, Yates. Nays 4-Clarke, Graves, Kidd, Mann.

HB 232 as amended was passed and the title agreed to.

Representative Lewis moved that the vote by which **HB 232** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that the House concur in the following Senate Amendment to **HB 581:**

Amend printed copy of House Bill 581, page 21, line 11, after the word "assembly" and before the word "shall" insert the following:

"and any other body, entity or instrumentality designated by executive order by the governor,"

and on page 21, line 12 after the word "department" and before the ";" insert the following:

"notwithstanding whether said body, entity or instrumentality is an integral part of state government"

and on page 27 between lines 3 and 4 insert the following:

"*(3) All executive orders issued under authority of this section since July 1, 1956 are hereby ratified by the General Assembly and each participating and contributing department, board, agency, corporation, mental health-mental retardation board, or entity participating since that date under such executive order is hereby declared to be a participating department under the Kentucky employes retirement system.*"

and on page 27, line 4 is changed as follows:

"*(4)*[(3)] Once a department participates it shall there-"

and on page 28, line 12, by striking "*notwithstanding the provisions of*"

and on page 28, line 13, by striking "*KRS 161.470*"

and on page 28, line 19, following the word "*system*" and before "." insert the following: "*provided, however, the provisions of KRS 161.470 must be met in order to regain such credit in the Teachers' Retirement System*"

Agreed.

On the roll call the vote was yeas 75-Adams, Arnold, Benson, Beshear, Blandford, Blume, Blythe, Bowles, R. Brown, Bruce, Burch, Chandler, Clapp, Crupper, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Gay, Givhan, Graves, Guenthner, Hancock, Harris, Head, Hellard, Hinkle, Hislope, Holbrook, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Lewis, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Overstreet, Pearman, Priddy, Rattliff, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Smith, Stephens, Stone, Swinford, Thomas, Van Horn, Vincent, Wells, J. White, Whitfield, Wible, Yates. Nays 0.

HB 581 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 581** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Reynolds presiding.

Representative Isler moved that the House concur in the following Senate Amendment to **HB 754:**

Amend printed copy of House Bill 754 page 2, line 26, by deleting the words "*The exemption shall also apply to*"

and on page 3, lines 1 and 2, by deleting those lines in their entirety

and on page 3, line 3, by deleting the words "*Structure is owned in its entirety*"

Agreed.

On the roll call the vote was yeas 69-Allen, Arnold, Benson, Blandford, Blume, Blythe, Bowles, R. Brown, Bruce, Chandler, Clapp, Crupper, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Givhan, Graves, Guenthner, Hancock, Harris, Head, Hellard, Hinkle, Hislope, Holbrook, Hughes, Isler, Kafoglis, Kenton, Kidd, King, Lewis, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, O'Brien, Overstreet, Pearman, Paxton, Priddy, Rattliff, Richardson, Romines, Sale, Schmaedecke, Sharpe, Siemens, Smith, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, J. White, Wible, Yates. Nays 1-Karem.

HB 754 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 754** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Blume filed the following Majority Report of the Conference Committee on **SB 206** endorsed by Representatives Blume and Blythe, Senators Smith and Powers:

SB 206, as amended by the House of Representatives, be amended as follows:

(A) By deleting Section 1, as passed by the House of Representatives with Amendment No. 11, in its entirety and by substituting therefor the following:

"Section 1. KRS 160.607 is amended to read as follows:

(1) The school tax authorized by KRS 160.605 shall be at a single uniform rate not to exceed one-half of one per cent (.5%) and shall continue from year to year until changed as prescribed in KRS 160.635.

(2) Any county having 300,000 or more inhabitants is authorized to increase the school tax rate to exceed the maximum set in subsection (1) of this section by one-quarter of one per cent (.25%) [for a period of two (2) years only].

[(3) The revenues generated by the additional tax rate authorized by subsection (2) of this section shall be distributed among the school districts of the county as provided in KRS 160.486, except that each year the first $600,000 of these revnues shall go directly to any school district within the county operating with a financial deficit prior to July 1, 1971.]

(B) By inserting in line 1, page 3 of House Committee Substitute for **SB 206,** after the word "of" the words "either or both of".

(C) By deleting the words "this Act and by" on line 3, page 3 of House Committee Substitute for **SB 206.**

(D) By inserting after "160.488" on line 4, page 3 of House Committee Substitute for **SB 206,** the words "and KRS 160.607 (2)".

Representative Dunn filed the following Minority Report of the Conference Committee on **SB 206** endorsed by Representative Dunn and Senator Stuart.

The minority position is as follows:

(1) The amount of financing needed by the school systems is wholly undeterminable at this time.

(2) Because of the issues presently surrounding the educational systems of Louisville and Jefferson County we feel that the public will reject any attempt by the school boards to impose a new tax or taxes.

This would then leave the educational systems completely defeated, in need of guidance and with their problems compounded. At this point the school systems would have to look to a special session of the legislature for assistance. We feel that it is in order at this time to extend the 3/4% occupational tax. When the other pressing problems now confronting the school systems are resolved, and financial need for the systems can be definitely determined, it will then be in order to consider the need for more taxes, if indeed they are needed at all.

Representative Blume moved that the House concur in the Majority Report of the Conference Committee on **SB 206.**

On the roll call the vote was yeas 55-Adams, Benson, Behsear, Blandford, Blume, Blythe, Bowles, Brewer, Clapp, Dawahare, Dietz, Foster, Gay, Givhan, Graves, Hancock, Harris, Head, Hellard, Hinkle, Hislope, Imes, Kafoglis, Karem, Kenton, Kidd, Kleier, Little, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Morgan, Quickert, Reynolds, Richardson, Sale, Schmaedecke, Siemens, Smith, Stephens, Stone, Swinford, Troop, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible. Nays 20-Allen, Bennett, Burch, Chandler, DeMarcus, Dunn, Guenthner, Holbrook, Hopkins, Hughes, Isler, Nett, O'Brien, Priddy, Rattliff, Robinson, Romines, Thomas, Van Horn, Yates.

The motion that the House concur in the Majority Report of the Conference Committee on **SB 206** was adopted.

Representative Blume moved that **SB 206,** as amended by the Conference Committee, be placed upon its passage.

On the roll call the vote was yeas 51-Adams, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Clapp, Dawahare, Dietz, Donnermeyer, Foster, Givhan, Graves, Hancock, Harris, Head, Hellard, Hinkle, Imes, Kafoglis, Karem, Kenton, Kidd, Kleier, Little, Mann, Mason, May, Maynard, McBee, McBride, McGill, Morgan, Quickert, Reynolds, Richardson, Sale, Schmaedecke, Siemens, Smith, Stephens, Stone, Swinford, Troop, Vincent, Watkins, Wells, G. White, J. White, Wible. Nays 24-Allen, Bennett, Burch, Chandler, Davis, DeMarcus, Dunn, Gay, Guenthner, Hislope, Holbrook, Hopkins, Hughes, Isler, McBrayer, Nett, O'Brien, Priddy, Rattliff, Robinson, Romines, Thomas, Van Horn, Yates.

SB 206, as amended by Conference Committee, was passed.

Representative Blume moved the adoption of the following Title Amendment to **SB 206:**

Amend printed copy of Committee Substitute for Senate Bill 206 page 1, by amending the title to read as follows: "AN ACT relating to revenue and taxation for school purposes in counties containing a city of the first class."

The Title Amendment to **SB 206** was adopted by voice vote.

Representative Blume moved that the vote by which **SB 206** as amended was passed be reconsidered and said motion be postponed indefinitely.

On the roll call the vote was yeas 44-Benson, Beshear, Blandford, Blume, Blythe, Bowles, Clapp, Dietz, Donnermeyer, Foster, Givhan, Harris, Head, Hellard, Hinkle, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Louden, Mann, Mason, May, McBee, McBrayer, McBride, McGill, Quickert, Richardson, Sale, Schmidt, Sharpe, Siemens, Smith, Swinford, Thomas, Troop, Vincent, Watkins, J. White, Whitfield, Wible. Nays 15-Bennett, Chandler, Davis, DeMarcus, Dunn, Guenthner, Hancock, Hopkins, Hughes, Priddy, Rattliff, Robinson, Romines, Van Horn, Yates.

The motion that the vote by which **SB 206** as amended was passed be reconsidered and said motion be postponed indefinitely was adopted.

Senate Message

Announcing passage of **HB 600** with Committee Substitute.

SB 269 returned with letter requesting that the House recede from the House Amendment to **SB 269.**
SB 159 returned with letter requesting that the House recede from the House Amendment to **SB 159.**

The Speaker resumed the Chair.

Orders of the Day (continued)

Representative Kleier moved that the House concur in the following Senate Amendment to **HB 799:**

Amend printed copy of House Bill 799, page 6, by inserting after line 13, the following:

"Section 5. A new section of KRS Chapter 68 is created to read as follows:

In an urban county government, all rights, powers, privileges and responsibilities conferred by this Act upon the fiscal court shall be exercised by the governing body of the urban county government."

On the roll call the vote was yeas 41-Bennett, Benson, Beshear, Blandford, Blume, Blythe, Burch, Chandler, Clarke, Dietz, Donnermeyer, Dunn, Foster, Givhan, Guenthner, Harris, Hellard, Hughes, Imes, Karem, Kenton, Kidd, Kleier, McBee, McBrayer, McBride, Nett, Paxton, Priddy, Quickert, Reynolds, Sale, Schmaedecke, Schmidt, Siemens, Swinford, Thomas, Troop, Whitfield, Wible, Yates. Nays 36-Adams,

Allen, Arnold, R. Brown, Bruce, Clapp, Crupper, Davis, Dawahare, DeMarcus, Denham, Freeman, Gay, Hancock, Hinkle, Hislope, Holbrook, Hopkins, Hurst, Isler, King, Mason, Morgan, Rattliff, Richardson, Robinson, Sharpe, Smith, Stephens, Stone, Van Horn, Vincent, Watkins, Wells, G. White. J. White.

The motion that the House concur in the Senate Amendment to **HB 799** was adopted.

On the roll call the vote was yeas 58-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Burch, Chandler, Clapp, Clarke, Davis, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Harris, Hellard, Hinkle, Hughes, Hurst, Kafoglis, Karem, Kenton, Kidd, Kleier, Mason, McBee, McBrayer, McBride, Morgan, Nett, Paxton, Priddy, Quickert, Reynolds, Richardson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Swinford, Thomas, Troop, Vincent, Watkins, Wells, Whitfield, Wible, Yates. Nays 19-Adams, Allen, Bruce, Crupper, Dawahare, DeMarcus, Freeman, Hancock, Holbrook, Hopkins, Imes, Isler, King, Robinson, Smith, Stone, Van Horn, G. White, J. White.

HB 799 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 799** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that the House refuse to concur in the following Senate Amendment to **HB 168:**

Amend printed copy of House Bill 168 page 1, line 17, by deleting the comma following the word "way" and inserting the word "and"

by deleting the comma following the word "utilities" on line 18 and adding "not located on existing rights of way,"

The motion that the House refuse to concur in the Senate Amendment to **HB 168** was adopted by voice vote.

Representative Swinford moved that the House concur in the following Senate Amendment to **HB 304:**

Amend printed copy of House Bill 304 page 3, lines 6 through 8, by deleting those lines,

and on page 3, line 9, by deleting "(d)" and substituting therefor: "(c)"

On the roll call the vote was yeas 42-Adams, Arnold, Beshear, Blandford, Brewer, R. Brown, Bruce, Burch, Clapp, Davis, Dawahare, Dietz, Donnermeyer, Foster, Head, Hinkle, Isler, Kafoglis, Kleier, Little, Louden, Mann, Mason, McBee, McGill, Overstreet, Pearman, Priddy, Reynolds, Roberts, Sale, Schmaedecke, Sharpe, Siemens, Smith, Stephens, Swinford, Thomas, Watkins, J. White, Whitfield, Wible. Nays 23-Blume, Blythe, DeMarcus, Denham, Dunn, Hancock, Harris, Hislope, Holbrook, Hughes, Imes, Karem, Kenton, Kidd, King, McBrayer, Nett, O'Brien, Rattliff, Robinson, Stone, Van Horn, Yates.

The motion that the House concur in the Senate Amendment to **HB 304** was adopted.

On the roll call the vote was yeas 59-Arnold, Bennett, Benson, Beshear, Blume, Blythe, R. Brown, Bruce, Burch, Davis, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Hancock, Head, Hellard, Hinkle, Hurst, Isler, Kafoglis, Karem, Kidd, King, Kleier, Little, Louden, Mason, McBee, McGill, Nett, O'Brien, Pearman, Priddy, Quickert, Rattliff, Reynolds, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Watkins, J. White, Whitfield, Wible, Yates. Nays 6-DeMarcus, Holbrook, Imes, Kenton, Mann, McBrayer.

HB 304 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 304** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Reynolds moved that the House concur in the following Conference Committee Report on **HB 9:**

"(1) Recommend deletion of Senate Amendments No. 1, 2, and 3.

(2) Recommend the following amendment to **HB 9:**

on page 1, after the enacting clause and before line 1 by inserting the following:

"Section 1. It is the intent of the General Assembly in this Act to declare that the notorized statement of consent required by Section 2 of this Act is a perfectly legitimate, right, and proper requirement to protect the public safety and welfare as it pertains to the broad form deed. It is also the intent of the General Assembly that this Act does not affect any other form of contract in any manner, nor affect underground mining in any manner."

and on page 6, after line 2, by adding the following:

"Section 3. This Act shall become effective January 1, 1975."

and on page 1, line 1, by renumbering "Section 1" as "Section 2".

The motion that the House concur in the Conference Committee Report on **HB 9** was adopted by voice vote.

On the roll call the vote was yeas 69-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bowles, Brewer, R. Brown, Bruce, Burch, Davis, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Freeman, Gay, Givhan, Harris, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Little, Louden, Mann, Mason, McBee, McBrayer, McBride, Morgan, Nett, O'Brien, Overstreet, Priddy, Rattliff, Reynolds, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stephens, Stone, Swinford, Thomas, Van Horn, Vincent, Wells, J. White, Whitfield, Wible, Yates. Nays 3-Hancock, Pearman, Watkins.

HB 9, as amended by way of Conference Committee Report, was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 9,** as amended by way of Conference Committee Report, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 42, HB 68, HB 174, HB 369, HB 517, HB 579, HB 232, HB 581, SB 301, SB 323, SB 335, SB 345, SB 109, SB 199, SB 347, SB 78, SB 297, SB 142, SB 278, SB 64, SB 289, SB 239, SB 241, SB 151, SB 111, SB 122, SB 252, SB 18, SR 34, SR 29, SB 133, SB 197, SB 250, SB 210,** and **SB 227** had been examined and found correctly enrolled. **HB 42, HB 68, HB 174, HB 369, HB 517, HB 579, HB 232, HB 581, SB 301, SB 323, SB 335, SB 345, SB 109, SB 199, SB 347, SB 78, SB 297, SB 142, SB 278, SB 64, SB 289, SB 239, SB 241, SB 151, SB 111, SB 122, SB 252, SB 18, SR 34, SR 29, SB 133, SB 197, SB 250, SB 210,** and **SB 227** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 42, HB 68, HB 174, HB 369, HB 517, HB 579, HB 232, and **HB 581** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Orders of the Day (continued)

Representative Benson moved that the House concur in the following Senate Amendment to **HB 535:**

Amend printed copy of House Bill 535 page 1, line 3, on line 3 after the word "to" delete the following: "The National" and on line 4 delete "Labor Relations Act and"

Agreed.

On the roll call the vote was yeas 42-Bennett, Benson, Beshear, Blandford, Blume, Burch, Dawahare, DeMarcus, Dietz, Donnermeyer, Foster, Freeman, Gay, Givhan, Head, Holbrook, Isler, Kenton, Kidd, King,

Kleier, Mann, Mason, McBee, McBrayer, McBride, McGill, Nett, Pearman, Quickert, Reynolds, Romines, Sale, Siemens, Stone, Swinford, Thomas, Van Horn, Watkins, Whitfield, Wible, Yates. Nays 1-Hopkins

HB 535 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 535** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Kenton moved that the House concur in the following Senate Amendment to **HB 722:**

Amend printed copy of House Bill 722 on page 27, after line 24 insert the following:

"Section 17. A new section of KRS Chapter 99 is created to read as follows:

If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable."

Agreed.

On the roll call the vote was yeas 47-Bennett, Beshear, Blandford, Blume, Blythe, Bruce, Burch, Davis, Dietz, Foster, Freeman, Gay, Givhan, Hancock, Harris, Head, Hellard, Holloway, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Little, Louden, Mann, Mason, McBee, McBride, Nett, Pearman, Quickert, Richardson, Sale, Schmaedecke, Schmidt, Siemens, Stone, Swinford, Thomas, Van Horn, Watkins, Whitfield, Wible, Yates. Nays 2-Dunn, Holbrook.

HB 722 as amended was passed and the title agreed to.

Representative Kenton moved that the vote by which **HB 722** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Siemens moved that the House concur in the following Senate Amendment to **HB 44:**

Amend printed copy of House Bill 44 page 1, line 3, by striking the words "Except as provided in this section,"

and on page 1, line 3, capitalize the "w" in the word "within"

and on page 2, line 13, after the word "act" insert the following:

"Section 3. KRS 367.430 is amended to read as follows:

(1) In a home solicitation sale, unless the buyer requests the seller to provide goods or services in an emergency, the seller must present to the buyer and obtain his signature to a written agreement or offer to purchase which designates as the date of the transaction the date on which the buyer actually signs and contains a statement of the buyer's rights which complies with subsection (2).

(2) The statement must:

(a) Appear under the conspicuous caption: "BUYER'S RIGHT TO CANCEL," and

(b) Read as follows: "If this agreement was solicited to your residence and you do not want the goods or services, you may cancel this agreement by mailing a notice to the seller. The notice must say that you do not want the goods or services and must be mailed before midnight of the third business day after you sign this agreement. The notice must be mailed to:

---"

[If you cancel, the seller may keep all or part of your cash down payment."]

(3) Until the seller has complied with this section the buyer may cancel the home solicitation by notifying the seller in any manner *and by any means of his intention to cancel.*"

after Section 3 add the following:

"Section 4. KRS 367.450 is amended to read as follows:

(1) Except as provided by the provisions on retention of goods by the buyer in KRS 367.440 (4), within a reasonable time after a home solicitation sale has been canceled or an offer to purchase revoked, the buyer upon demand must tender to the seller any goods delivered by the seller pursuant to the sale but he is not obligated to tender at any place other than his residence. If the seller fails to demand possession of goods within a reasonable time after cancellation or revocation, the goods become the property of the buyer without obligation to pay for them. For the purpose of this section, 40 days is presumed to be a reasonable time.

(2) The buyer has a duty to take reasonable care of the goods in his possession before cancellation or revocation and for a reasonable time thereafter, during which time the goods are otherwise at the seller's risk.

(3) If the seller has performed any services pursuant to a home solicitation sale prior to its cancellation, the seller is entitled to no compensation. [except the cancellation fee provided in KRS 367.410 to 367.450.]

(4) KRS 367.410 to 367.450 shall not apply to sales under $25.00 or any type of insurance sale or sales."

Agreed.

On the roll call the vote was yeas 45-Allen, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Burch, Davis, Dawahare, Dietz, Dunn, Foster, Givhan, Head, Hellard, Holbrook, Hughes, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Louden, Mann, Mason, McBee, McGill, Nett, Pearman, Quickert, Reynolds, Richardson, Sale, Siemens, Stephens, Stone, Swinford, Thomas, Van Horn, Watkins, Wible, Yates. Nays 2-Hancock, Hurst.

HB 44 as amended was passed and the title agreed to.

Representative Siemens moved that the vote by which **HB 44** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Kleier moved that the House concur in the following Senate Amendment to **HB 436:**

Amend printed copy of House Bill 436 on page 3, line 21, by adding below line 21, the following new Section:

Section 2. KRS 141.021 is amended to read as follows:

Notwithstanding the provisions of KRS 141.010, federal military [and federal civil service] retirement annuities shall be excluded from the gross income of persons *50* [65] years of age or older, *and federal civil service retirement annuities shall be excluded from the gross income of persons 65 years of age or older,* subject to the following limitations:

If Earned Income From Sources Other Than Annuities Described Above Is:	The Maximum Annuity Exclusion Is:
$3,000 or Less	$4,000
3,001 to 4,000	3,000
4,001 to 5,000	2,000
5,001 to 6,000	1,000
Over 6,000	0

Agreed.

On the roll call the vote was yeas 58-Adams, Allen, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bruce, Burch, Davis, Dawahare, Dietz, Donnermeyer, Dunn, Foster, Givhan, Hancock, Head, Hellard, Hinkle, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Louden, Mann, Mason, McBee, McBrayer, McGill, Nett, Pearman, Priddy, Quickert, Rattliff, Reynolds, Richardson, Sale, Schmaedecke, Siemens, Stephens, Stone, Swinford, Thomas, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 0.

HB 436 as amended was passed and the title agreed to.

Representative Kleier moved that the vote by which **HB 436** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Benson moved that the House concur in the following Senate Amendment to **HB 368:**

Amend printed copy of House Bill 368, page 8, lines 16 through 26, by striking those lines in their entirety;

and on page 9, lines 1 through 15, by striking those lines in their entirety and by renumbering every section thereafter;

and on page 41, lines 17 through 26, by striking those lines in their entirety;

and on page 42, lines 1 through 15, by striking those lines in their entirety and by renumbering every section thereafter;

and on page 125, line 1, by adding "*if the marriage is without the consent of the father, mother, guardian or other person lawfully having charge of his or her person*" after "age";

and on page 137, line 2, by adding "*employe*" after "any" and by placing brackets around "female" and by placing brackets around "(1)";

and on lines 8 and 9 by striking those lines in their entirety.

Agreed.

On the roll call the vote was yeas 47-Adams, Allen, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Burch, Dawahare, Dietz, Givhan, Hancock, Harris, Head, Hellard, Hinkle, Holbrook, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Louden, Mann, Mason, McBee, McBrayer, McGill, Nett, Overstreet, Priddy, Quickert, Reynolds, Robinson, Sale, Siemens, Stephens, Stone, Swinford, Vincent, Watkins, Whitfield, Wible, Yates. Nays 4-Davis, Pearman, Rattliff, Van Horn.

HB 368 as amended was passed and the title agreed to.

Representative Benson moved that the vote by which **HB 368** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that consideration of **HB 3** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative McBrayer moved that the House concur in the following Senate Amendment to **HB 100:**

Amend printed copy of House Bill 100, page 2, line 1, by adding after the word "special" the following: "and information or casual gatherings held in anticipation of or in conjunction with a regular or special meeting";

and on page 2, line 23, by deleting "regular or special called"

Agreed.

On the roll call the vote was yeas 59-Adams, Allen, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bruce, Burch, Dawahare, Dietz, Donnermeyer, Dunn, Freeman, Gay, Givhan, Hancock, Harris,

Head, Hellard, Hinkle, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Kenton, King, Kleier, Mann, Mason, McBee, McBrayer, McGill, Morgan, Nett, Overstreet, Paxton, Priddy, Reynolds, Richardson, Romines, Sale, Schmaedecke, Sharpe, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, J. White, Whitfield, Wible, Yates. Nays 3-Pearman, Quickert, Robinson.

HB 100 as amended was passed and the title agreed to.

Representative McBrayer moved that the vote by which **HB 100** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that the House concur in the following Senate Amendment to **HB 176:**

Amend printed copy of House Bill 176 page 7, line 17, by deleting the word "month" and inserting in lieu thereof "*week*"

and on page 12, lines 24, 25 and 26 and on page 13, lines 1, 2 and 3 by deleting those lines in their entirety and inserting in lieu thereof the following:

"*Except during an authorized race or regatta, which shall include trial runs in preparation for such race or regatta to be conducted at a time and place designated by the division of water enforcement, it shall be illegal to operate any motor boat without an effective exhaust muffling system, or in any manner which renders the exhaust muffling system ineffective in muffling the sound of engine exhaust.*"

and on page 21, line 5, after the word "enforcement" by adding the following:

"*or law-enforcement vessels of any law-enforcement agency of the commonwealth having jurisdiction upon the waters of this state or law-enforcement vessels of the United States authorized by federal law or regulations.*"

and on page 14, line 10, by inserting after "*(2)*" and before "*Boats*" the following:

"*With the exception of boats documented by the Federal Government,*"

Agreed.

On the roll call the vote was yeas 56-Adams, Bennett, Benson, Beshear, Blandford, Blume, Bruce, Burch, Dawahare, Dietz, Donnermeyer, Dunn, Hancock, Harris, Head, Hellard, Hinkle, Holbrook, Hughes, Hurst, Imes, Isler, Kafoglis, Kenton, King, Kleier, Louden, Mann, Mason, McBee, McBrayer, McBride, McGill, Morgan, Nett, Pearman, Paxton, Priddy, Richardson, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 0.

HB 176 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 176** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Hinkle moved that the House concur in the following Senate Amendment to **HB 3:**

Amend printed copy of House Bill 3 page 3, line 7, by inserting "(3) The provisions of this Act shall not apply to minors soliciting orders for the articles mentioned in Section 1 of this Act when such sales are made for the sole purpose of obtaining funds for a school band, club or other organization and such sales are approved in writing by the superintendent of the school system at which the minors are students. The written approval of the superintendent shall identify the product or products being sold, the solicitors to be involved and the duration of sales and shall be filed with the County Court Clerk.

Agreed.

On the roll call the vote was yeas 55-Bennett, Benson, Beshear, Blandford, Blume, Blythe, Burch, Clarke, Dawahare, Dietz, Donnermeyer, Dunn, Harris, Head, Hellard, Hinkle, Holbrook, Hopkins, Hughes, Hurst, Imes, Isler, Kafoglis, Kenton, King, Kleier, Louden, Mann, Mason, McBee, McBrayer, McBride,

McGill, Morgan, Nett, Pearman, Paxton, Quickert, Richardson, Robinson, Romines, Sale, Schmaedecke, Sharpe, Stephens, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible, Yates. Nays 4-Allen, Freeman, Hancock, Stone.

HB 3 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 3** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker Pro Tempore presiding.

Representative Bennett moved that the House concur in the following Senate Amendment to **HB 426:**

Amend printed copy of House Bill 426 page 1, after line 10, by adding the following Sections:

"Section 2. KRS 64.185 is amended to read as follows:

Coroners shall receive out of the county treasury, such monthly compensation as the fiscal court of each county shall fix, subject to the following minimums:

	County Population	Monthly Minimum Compensation
(a)	10,000 or less	$ *100* [25]
(b)	10,001 to 20,000	*150* [50]
(c)	20,001 to 40,000	*175* [75]
(d)	40,001 to 60,000	*200* [100]
(e)	60,001 to 100,000	*225* [125]
(f)	100,001 to 150,000	*800* [150]
(g)	150,001 or more	*1000*

Section 3. Section 2 of this Act shall become effective July 1, 1974."

Agreed.

On the roll call the vote was yeas 67-Allen, Bennett, Beshear, Blandford, Blume, Blythe, R. Brown, Bruce, Burch, Chandler, Clarke, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Guenthner, Hancock, Harris, Head, Hellard, Hinkle, Holbrook, Hopkins, Hughes, Imes, Isler, Kafoglis, Kenton, King, Louden, Mann, Mason, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Rattliff, Richardson, Roberts, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, J. White, Whitfield, Wible, Yates. Nays 1-Gay.

HB 426 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 426** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The Speaker resumed the Chair.

Representative Schmaedecke moved that the House concur in the following Senate Amendment to **HB 459:**

Amend printed copy of House Bill 459 page 4, line 9, by deleting the figure "$27,500" and inserting in lieu thereof the figure "$26,000"

and on line 15 by deleting the figure "$26,300" and inserting in lieu thereof the figure "$24,800"

and on page 5, line 3, by deleting the figure "$27,500" and inserting "$26,000"

and on line 15 by deleting the figure "$27,500 and inserting in lieu thereof "$26,000"

and on line 23 by deleting the figure "$27,500" and inserting in lieu thereof "$26,000"

and on page 6, line 6, by deleting the figure "$27,500" and inserting in lieu thereof "$26,000"

and on page 6, lines 7-26, by deleting those lines in their entirety

and on page 7, lines 1-26, by deleting those lines in their entirety

and on page 8, lines 1-26, by deleting those lines in their entirety

and on page 9, lines 1-26 by deleting those lines in their entirety

and on page 10, lines 1-26, by deleting those lines in their entirety

and on page 11, lines 1-26, by deleting those lines in their entirety

and on page 12, lines 1-26, by deleting those lines in their entirety

and on page 13, lines 1-26, by deleting those lines in their entirety

and on page 14, lines 1-26, by deleting those lines in their entirety

and on page 15, lines 1-26, by deleting those lines in their entirety

and on page 16, lines 1-26, by deleting those lines in their entirety

and on page 17, lines 1-11, by deleting those lines in their entirety

and on pages 17, 19, 20, 21, 22 and 23 by renumbering Sections 16, 17, 18, 19, 20, 21, 22 and 23 as Sections 3, 4, 5, 6, 7, 8, 9 and 10

and on page 23 by deleting line 13 in its entirety

and on page 23, line 14 by renumbering Section 25 as Section 16

and on page 23, line 15, by deleting the word "January" and inserting in lieu thereof "July"

Agreed.

On the roll call the vote was yeas 59-Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Burch, Chandler, Dawahare, Dietz, Donnermeyer, Dunn, Foster, Givhan, Harris, Head, Hellard, Hinkle, Holbrook, Hopkins, Hughes, Isler, Kafoglis, Kenton, Kidd, King, Little, Louden, Mann, Mason, McBee, McBrayer, McGill, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Rattliff, Richardson, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Stephens, Swinford, Thomas, Troop, Vincent, Watkins, Wells, Whitfield, Wible, Yates. Nays 5-Bruce, Hancock, Imes, Robinson, Van Horn.

HB 459 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 459** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that the House concur in the following Senate Amendment to **HB 655:**

Amend printed copy of House Bill 655 page 6, line 17, after the word "1975." add the following:

"This Act shall not become effective as it applies to operators that have placed orders for additional equipment made necessary by this Act by October 1, 1974 but which equipment has not been received by July 1, 1975. Such extensions shall be issued by the Department only after a proper showing that such order was placed and that the manufacturer or dealer in such equipment is unable to fill the order."

Agreed.

On the roll call the vote was yeas 69-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Blythe, Bruce, Burch, Chandler, Clarke, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Guenthner, Hancock, Harris, Head, Hellard, Hinkle, Holbrook, Holloway, Hopkins, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Lindsay, Little, Mann, Mason, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Rattliff, Richardson, Roberts, Robinson, Romines, Sale, Schmidt, Sharpe, Siemens, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, Wells, J. White, Whitfield, Wible, Yates. Nays 6-Allen, R. Brown, Dawahare, Hislope, Hurst, Robinson.

HB 655 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 655** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Blythe moved that the rules be suspended for the purpose of taking **SB 57** from the Committee on Rules and placing it in Orders of the Day.

On the roll call the vote was yeas 27-Allen, Beshear, Blythe, Chandler, Davis, Denham, Givhan, Hancock, Hellard, Holbrook, Hopkins, Imes, Isler, Kafoglis, Kenton, King, Mason, Nett, Richardson, Schmaedecke, Schmidt, Stephens, Thomas, Van Horn, Vincent, G. White, Wible. Nays 18-Adams, Blandford, Blume, Bowles, Dawahare, Dunn, Foster, Hughes, Little, Louden, Morgan, Pearman, Roberts, Sharpe, Siemens, Swinford, J. White, Whitfield.

The motion that the rules be suspended for the purpose of taking **SB 57** from the Committee on Rules and placing it in Orders of the Day was rejected.

Representative Whitfield moved that the House concur in the following Senate Amendment to **HB 657**:

Amend printed copy of House Bill 657 on page 12, line 7, by adding a new Section 22

"Section 22. A new section of KRS Chapter 205 is created to read as follows:

Money payments made by the Department of Human Resources to the needy aged, needy blind, and the needy permanently and totally disabled shall be:

(1) Mandatory state supplementation of the Supplemental Security Income Program as established by federal law and regulations and administered in the manner agreed to by the Secretary of the United States Department of Health, Education, and Welfare and the Secretary of the Department for Human Resources, or their authorized representatives, and

(2) Supplemental payments to persons requiring special living arrangments as they become eligible for the Supplemental Security Income Program, to insure the same level of care as those persons covered under the provisions of subsection (1) of this Section."

Title Amendment:

by deleting the title "AN ACT relating to the recovery of child support from responsible parents whose children are receiving public assistance." and inserting in lieu thereof the title "AN ACT relating to public assistance."

Agreed.

On the roll call the vote was yeas 64-Allen, Bennett, Benson, Beshear, Blandford, Blume, Blythe, R. Brown, Bruce, Chandler, Davis, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Guenthner, Hancock, Harris, Head, Hinkle, Hislope, Holbrook, Hurst, Imes, Isler, Kafoglis, Kenton, Kidd, King, Kleier, Louden, Mann, Mason, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Robinson, Romines, Sale, Schmidt, Siemens, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, J. White, Whitfield, Wible. Nays 3-Arnold, Hellard, Stephens.

HB 657 as amended was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 657** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative J. White moved that the House concur in the following Senate Amendment to **HB 860:**

Amend printed copy of House Bill 860 page 2, line 2, by adding after "Constitution." the following:

Section 2. KRS 156.160 is amended to read as follows:

Upon recommendation of the superintendent of public instruction, the state board of education shall adopt rules and regulations relating to: [The superintendent of public instruction shall prepare or cause to be prepared and submit for approval and adoption by the state board of education:]

(1) The biennial state school budget;

(2) Minimum courses of study for the different grades and kinds of common schools, and regulations governing educational equipment of the schools;

(3) [Rules and regulations for grading,] *Grading,* classifying and accrediting all common schools, and for determining the scope of instruction that may be offered in the different classes of schools, and the minimum requirements for graduation from the courses offered;

(4) [Rules and regulations for taking,] *Taking,* and keeping a school census, and the forms and blanks to be used in taking and keeping the census and in compiling the required reports [thereof];

(5) [Regulations for the sanitary] *Sanitary* and protective construction of public school buildings, toilets, physical equipment of school grounds, school buildings and classrooms;

(6) [Regulations, governing medical] *Medical* inspection, physical education and recreation, and other rules and regulations deemed necessary or advisable for the protection of the physical welfare and safety of the public school children;

(7) [Rules and regulations concerning the] *The* transportation of children to and from school;

(8) [Rules and regulations for approving] *Approval of* private and parochial schools of elementary or high school grade, and commercial schools;

(9) [Rules and regulations] *The* fixing *of* [the] holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine;

(10) [Rules and regulations governing the] *The* preparation of budgets and salary schedules for the several school districts under the management and control of the state board of education;

(11) A uniform series of forms and blanks, educational and financial, including forms of contracts, for use in the several school districts;[.]

(12) The disposal of real and personal property owned by local boards of education.

On the roll call the vote was yeas 44-Adams, Bennett, Benson, Beshear, Blume, R. Brown, Bruce, Burch, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Freeman, Gay, Graves, Harris, Hinkle, Hislope, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Little, McBrayer, Morgan, Nett, O'Brien, Pearman, Priddy, Quickert, Roberts, Robinson, Romines, Schmaedecke, Schmidt, Siemens, Stephens, Van Horn, J. White, Wible. Nays 37-Allen, Arnold, Blandford, Blythe, Chandler, Davis, Dietz, Foster, Givhan, Guenthner, Hancock, Head, Hellard, Holbrook, Hopkins, Hughes, Hurst, Imes, Lindsay, Mann, Mason, May, McBee, Overstreet, Paxton, Rattliff, Reynolds, Sale, Sharpe, Stone, Swinford, Troop, Vincent, Watkins, Wells, G. White.

The motion that the House concur in the Senate Amendment to **HB 860** was adopted.

On the roll call the vote was yeas 47-Adams, Bennett, Benson, Beshear, Blume, Blythe, R. Brown, Bruce, Burch, Davis, Dawahare, DeMarcus, Denham, Donnermeyer, Dunn, Freeman, Gay, Graves, Harris, Hinkle, Hislope, Holbrook, Isler, Kafoglis, Kenton, King, McBrayer, Morgan, Nett, O'Brien, Pearman, Paxton, Priddy, Quickert, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Van Horn, Vincent, Watkins, J. White, Wible, Yates. Nays 22-Allen, Arnold, Blandford, Foster, Givhan, Hancock, Head, Hellard, Hughes, Hurst, Imes, Lindsay, Mann, Mason, McBee, Richardson, Sale, Stone, Swinford, Thomas, Troop, G. White.

HB 860 as amended was passed and the title agreed to.

Representative J. White moved that the vote by which **HB 860** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

SB 94 returned with letter requesting that the House recede from its amendment.

Letter in regard to **SB 220** as follows: The Senate has refused to concur in the House Amendment to Senate Bill No. 220 and is requesting that a Conference Committee be appointed with one member of the House and one member of the Senate. The Senate has appointed Senator Graves as its member of the Committee.

Letter in regard to **HB 538** as follows: The Senate has refused to recede from its amendment to House Bill No. 538 and is respectfully requesting this Honorable body to appoint a Conference Committee. The Senate has appointed Senators Smith, Huff and Allen as its members to the Committee.

Orders of the Day (continued)

Representative Morgan moved that the House concur in the following Senate Committee Substitute for **HB 600:**

HB 600, AN ACT relating to police and firemen's benefit fund in cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 95.851 is amended to read as follows:

Words and phrases, used in KRS 95.851 to 95.885, unless a different meaning is clearly indicated by the context, shall have the following meanings:

(a) "Fund" shall mean the "Policemen's and Firemen's Retirement Fund of the City of ....."

(b) "City" shall mean any city of the second class in the state of Kentucky, or city of the second class which may subsequently attain first-class status.

(c) "Department" shall mean the police department or the fire department of a city.

(d) "Board" shall mean the board of trustees provided for herein as the agency responsible for the direction and operation of the affairs and business of the fund. The board shall hold title to all assets of the fund.

(e) "Member" shall mean any member of the police or fire department who is included in the membership of the fund.

(f) "Service" shall mean actual employment in a department of a city for salary or compensation, or service otherwise creditable as herein provided.

(g) "Prior service" shall mean service rendered prior to the date of establishment.

(h) "Membership service" shall mean service rendered on or after the date of establishment.

(i) "Total service" shall mean prior service, membership service, and military service.

(j) "Regular interest" shall mean such rate of interest as shall be fixed by the board, provided that for the first five (5) years of operation of the fund the rate shall be three per cent (3%) per annum, compounded

annually.

(k) "Occupational disability" shall mean disability due to occupational causes, including but not limited to injury or disease. *The presumption of contracting disease "while on active duty as a result of strain or the inhalation of noxious fumes, poisons or gases" created by KRS 79.080 shall be a presumption of "occupational disability" hereunder.*

(l) "Occupational death" shall mean death due to occupational causes, including but not limited to injury or disease.

(m) "Average salary" shall mean the highest average annual salary of the member for any three (3) consecutive years of service within the total service of the member.

(n) The masculine pronoun, wherever used, shall include the feminine pronoun; also, widow shall include widower.

(o) The fiscal year of the fund shall date from July 1 of any year to June 30 of the next year following.

(p) "Total disability" shall mean a disability which substantially precludes a person from performing with reasonable regularity the substantial and material parts of any gainful work or occupation in the service of the department that he would be competent to perform were it not for the fact that the impairment is founded upon conditions which render it reasonably certain that it will continue indefinitely.

Section 2. KRS 95.859 is amended to read as follows:

The rate of retirement annuity shall be two and one-half percent (2 1/2%) of average salary, as defined in KRS 95.851 (m), for each year of total service up to and including *thirty (30)* [twenty (20)] years, [one percent (1%) of average salary for each of the next five (5) years of total service, one-half percent (1/2%) of average salary for each year of total service after twenty-five (25) years,] subject to a maximum of *seventy-five* [sixty] percent *75%* [(60%)] of average salary. Fractional periods of service shall be considered in the calculation of such annuities according to the aforesaid rate. Provided, however, that no retiree, or his surviving widow, whether he retired before or after June 16, 1972, under this Section shall receive a pension of less than one hundred dollars ($100.00) a month and when social security benefits are increased the minimum shall be increased by a like amount, provided that the increase shall not exceed five percent (5%). *Within six (6) months after the performance of the actuarial study required by KRS 95.872 (6), the rate of retirement annuity of each annuitant who becomes an annuitant after the effective date hereof shall be increased by an amount determined by the said study to reflect so much of the increase in the cost of living of such annuitant from the beginning of his annuity as may be supported on an actuarially sound basis by the fund, so long as the same is published, such studies shall rely on the "All Items Index" of the United States Department of Labor's Consumer Price Indexes, but no increase in the cost of living shall exceed two percent (2%) over the base index year in any year of the fund, provided, however, such increases shall be payable only after the member has attained the age of sixty (60) years or has been retired for a period of three (3) full years, whichever is later, and all such increases shall not be compounded.*

Section 3. KRS 95.860 is amended to read as follows:

(1) Upon death of a member due to occupational causes, regardless of length of service, his surviving widow shall be entitled immediately upon cessation of salary to an annuity equal to fifty per cent (50%) of the member's last rate of salary. This annuity shall be payable until she dies or remarries. In addition, if minor children, under age eighteen (18), survive the member, the widow shall receive on account of each child, ten per cent (10%) of the member's last rate of salary until each child attains age eighteen (18). The combined payments to a widow and minor children shall not exceed seventy-five per cent (75%) of his final rate of salary.

(2) If a widow does not survive the member, or if she remarries, and minor children under age eighteen (18) exist, each child shall be entitled to an annuity equal to fifteen per cent (15%) of the member's last rate of salary until each child attains age eighteen (18), provided that the combined payments to such children shall not exceed fifty per cent (50%) of the member's last rate of salary.

(3) If neither a widow nor minor children, eligible for benefits survive the member, each dependent parent shall be entitled to an annuity equal to twenty-five per cent (25%) of the member's last rate of salary, or fifty per cent (50%) to both parents.

(4) Benefits payable for occupational death shall be reduced by any amount payable to the member's survivors as a result of Workmen's Compensation laws.

Section 4. KRS 95.861 is amended to read as follows:

(1) Upon death of a member occurring while in service, arising from any cause other than in the performance of duty, provided the member has had at least *three (3)* [ten (10)] years of total service, his widow shall receive an annuity equal to one and one-half per cent (1 1/2%) of average salary for each year of total service, credited to the member, subject to the following conditions:

(a) The widow had been married to the member at least one (1) year prior to his death;

(b) The widow is at least forty-five (45) years of age, otherwise payment will be deferred until she attains such age, except that if she is or becomes totally disabled before age forty-five (45), or has a minor child or children by the member in her care under age eighteen (18), (including adopted children provided the

proceedings for adoption were initiated at least one (1) year prior to death of member) payment of the widow's annuity will begin immediately together with an additional allowance on account of the child or children;

(c) The widow's annuity will terminate in any event when the widow remarries. The annuity of each child or children shall continue until each child attains age eighteen (18).

(2) If the widow has minor children under age of eighteen (18), the annuity to the widow shall be increased one-half (1/2) on account of the first child and one-fourth (1/4) on account of each additional child, subject to a maximum combined payment to the widow and children of fifty per cent (50%) of the final rate of salary.

(3) These benefits shall also be payable upon death of the member while on retirement, provided marriage was in effect for at least one (1) year before retirement.

(4) Benefits payable under this section shall be reduced by any amount paid to the member's survivors for death due to occupational causes, other than from employment with the city, as a result of Workmen's Compensation laws.

Section 5. KRS 95.862 is amended to read as follows:

In the event a total and permanent occupational disability occurs, the member shall receive an annuity equal to *seventy* [sixty] percent *(70%)* [(60%)] of his last rate of salary. This benefit shall begin at such time as his salary may cease, and shall be paid during his entire lifetime. Upon his death, his eligible widow and minor children, if any, shall receive the benefits as provided under KRS 95.860. *Benefits payable to the member shall be reduced by any amount paid to the member pursuant to Workmen's Compensation laws.*

Section 6. KRS 95.863 is amended to read as follows:

(1) Upon total and permanent disability of a member as the result of any cause other than occupational disability, if a member shall have rendered at least ten (10) years of total service, he shall be entitled to a disability retirement annuity. The amount of such annuity shall be equal to two and one-half per cent (2 1/2%) of average salary, as defined in KRS 95.851 (m), for each full year of total service, subject to a minimum payment of twenty-five per cent (25%) of such average salary, and a maximum payment of fifty per cent (50%) of average salary. Payment of this annuity shall be made during disability of the member. Upon death of the member, if an eligible widow or minor children survive, such survivors shall be entitled to the regular annuities provided under KRS 95.861.

(2) Any annuity for nonoccupational disability shall begin to accrue upon the expiration of ninety (90) days following the commencement of disability provided that if the member is receiving salary for sick leave for a period of more than ninety (90) days, payment shall accrue from the date such salary ceases. If written application for such annuity shall not have been filed with the board prior to the expiration of ninety (90) days from the date of disability, the annuity shall begin to accrue from the date the application shall be filed but not prior to the expiration of ninety (90) days from the date of disability, nor in any event prior to the time when salary payments to the employe shall have ceased.

(3) Benefits payable to the member under this section shall be reduced by any amount payable to the member pursuant to Workmen's Compensation laws for disability arising out of employment other than with the city.

Section 7. KRS 95.867 is amended to read as follows:

Each active member shall contribute a sum equal to *eight* [six] percent *(8%)* [(6%)] of current salary. The director of finance of the city is hereby authorized to deduct such amount from the salary of each active member in semimonthly instalments. This contribution shall be made as deduction from salary, notwithstanding that the salary paid in cash to such member may be reduced thereby below the established statutory rate. Every member of the fund shall be deemed to consent and agree to the deduction from salary as herein provided, and shall receipt for his full salary, and payment to such member of salary less such deduction shall constitute a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such member during the period covered by such payment, except as to the benefits herein provided.

Section 8. KRS 95.870 is amended to read as follows:

(1) Subject to the foregoing provisions, there shall be held on the first Wednesday after the first Tuesday of September of each year an election among the active members for trustee of the fund.

(2) On or before August 10 preceding, nominations for candidates in the election shall be filed with the chief of the police department and the chief of the fire department. The nominations shall be in writing and shall be signed by not less than twenty-five per cent (25%) of the members. Within five (5) days after the close of nominations, the chiefs of the respective departments shall certify in writing to all districts and bureaus of the departments the names of those placed in nomination.

(3) On the first Wednesday after the first Tuesday in September beginning at the hour of 12 noon on Wednesday and continuing thereafter for a *forty-eight (48)* [twenty-four (24)] hour period, an election shall be held under the supervision of the commanding officers of the districts and bureaus. Each member shall vote at the district or bureau of which he is a member, except those members who are not assigned to a specific district or bureau, who shall vote at the office of the chief of police or chief of the fire department, as the case

may be. At the close of voting, the commanding officer of each district or bureau, shall in the presence of the nominees or their duly authorized agents, open the ballot box and count the votes. He shall then make a certificate of the count and send the certificate with the ballots in a sealed envelope to the mayor, who shall, on the following Wednesday, open all the certificates so received and after counting all the returns, certify the results to the board. On the third Wednesday after the first Tuesday in September the candidate or candidates receiving the most votes shall assume office.

Section 9. KRS 95.872 is amended to read as follows:

(1) The officers of the board shall consist of a president, vice-president, and a secretary. The president shall be the chief executive officer of the board, shall preside at all meetings and shall appoint all necessary committees. The vice-president shall serve as president in the absence of the president.

(2) The board shall designate a secretary who may be a member of the board and shall fix his compensation. The secretary shall keep a full account of all proceedings of the board, shall give notice of all meetings and give effect to all resolutions, orders, and directives of the board. He shall be in charge of the detailed affairs of administration of the fund; shall keep the record of proceedings of all meetings; shall keep all books, files, records, and accounts of the fund; shall receive all applications for annuities, benefits and refunds; shall prepare periodic reports relative to the financial operations of the fund for the information of the board and its membership; shall compile all statistics pertinent to the operations of the fund; and shall answer all correspondence received by the board.

(3) The city treasurer shall be ex officio treasurer of the board, and custodian of the fund. He shall have custody of all cash and securities of the fund, subject to the authority and directives of the board, and shall keep such accounts and records as may be prescribed by the board. These accounts and records shall be subject to inspection of the board or any member thereof.

(4) The *city* treasurer shall, within ten (10) days after his *selection* [election], execute a bond to the board, with good surety, in such penal sum as the board directs, to be approved by the board, conditioned upon the faithful performance of the duties of his office, and that he will safely keep and *will* [well and] truthfully account for all money and properties that come into his hands as treasurer of the fund, and that upon the expiration of his term of office, he will deliver to his successor all securities, unexpended moneys, and other properties that come into his hands as treasurer of the fund. The bond will be filed with the secretary of the board, and suit thereon may be filed in the name of the board for use of the board or any person injured by its breach. The premium on said bond may be paid out of the fund, *except that the board shall have the power to hire independent counsel for any suits or actions of law, the cost of such independent counsel to be borne by the board.*

(5) The director of law of the city shall serve as legal adviser to the board on all matters pertaining to the fund involving suits or actions at law, and on any questions of the interpretation of the provisions hereof, *except that the board shall have the power to hire independent counsel for any suits or actions of law, the cost of such independent counsel to be borne by the board.*

(6) The board may employ actuarial assistance from time to time to advise it in matters relating to the technical aspects of operations of the fund, to assist in the preparation of the periodic financial reports, to determine rates of city contribution and to make periodic analyses of the operation of the fund. *Within six (6) months after the establishment, an actuarial study shall be made for the purpose of recommending rates, mortality, disability, retirement, separations from service and other essential factors.* At least once every five (5) years *thereafter,* an actuarial survey and investigation shall be made of the operating experience of the fund, including a study of the rates, mortality, disability, retirement, separations from service and other essential factors. The actuary shall recommend all mortality and interest tables to be adopted by the board, *and shall recommend, if appropriate, cost of living increases as provided in KRS 95.859. In the event such survey is not undertaken as provided herein, any member of the fund or any annuitant may obtain an injunction or mandamus requiring such survey and investigation, or may obtain the appointment of a person or persons to make such study and investigation, from the circuit court of any county in which the city is located.*

(7) The board shall establish rules and regulations to implement the provisions of KRS 95.851 to 95.885 which shall not be inconsistent therewith.

Section 10. KRS 95.873 is amended to read as follows:

The board may invest the moneys accruing to the fund, in interest-bearing bonds of any county, *urban, county government* or city of the first, second, or third class in this state, or in any securities in which trustees are permitted to invest trust funds under the laws of this state. Such bonds shall be registered in the name of the board to the extent possible. The securities acquired by the board shall be deposited with the treasurer and shall be subject to the order of the board. *The board may, at its own cost, employ or engage consultants to provide investment advice to aid the board in its determinations.*

Section 11. KRS 95.881 is amended to read as follows:

Any city covered by KRS 95.851 to 95.885, which may subsequently *change its form of government, its class, or other status* [attain a first-class status,] shall continue to be covered by KRS 95.851 to 95.885.

Section 12. KRS 95.885 is amended to read as follows:

Any person who knowingly makes any false statement, or falsifies, or permits to be falsified, any record or records of this fund, in any attempt to defraud the fund, is guilty of a misdemeanor, and shall be *fined not less than $500.00 or imprisoned in the county jail not less than twelve (12) months, or both,* [punishable therefor under the laws of the state of Kentucky,] and the fund shall have the right to recover any payments made under false representations.

On the roll call the vote was yeas 48-Adams, Bennett, Benson, Blandford, Blume, Bruce, Chandler, Clapp, Dawahare, Denham, Dietz, Donnermeyer, Dunn, Foster, Graves, Hancock, Harris, Head, Hellard, Hinkle, Hislope, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Mann, Mason, McBee, McBride, Morgan, Nett, O'Brien, Paxton, Richardson, Sale, Schmidt, Siemens, Swinford, Thomas, Van Horn, Vincent, Watkins, G. White, J. White, Yates. Nays 23-Allen, Beshear, R. Brown, Davis, DeMarcus, Givhan, Guenthner, Holbrook, Hopkins, Hughes, McBrayer, McGill, Overstreet, Pearman, Priddy, Rattliff, Robinson, Schmaedecke, Sharpe, Stephens, Stone, Troop Wells.

The motion that the House concur in the Senate Committee Substitute for **HB 600** was adopted.

On the roll call the vote was yeas 74-Adams, Allen, Bennett, Benson, Beshear, Blandford, Blume, R. Brown, Bruce, Chandler, Clapp, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Harris, Head, Hellard, Hinkle, Hislope, Holbrook, Hopkins, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, Lindsay, Little, Louden, Mann, Mason, McBee, McBrayer, McBride, McGill, Morgan, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Richardson, Robinson, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stone, Swinford, Thomas, Troop, Van Horn, Vincent, Watkins, G. White, J. White, Whitfield, Wible, Yates. Nays 0.

HB 600, by way of Senate Committee Substitute, was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 600,** by way of Senate Committee Substitute, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Paxton requested the Speaker to dissolve the present Conference Committee on **HB 314** and appoint another committee.

Representative King moved that the rules be suspended to direct the Committee on Committees to appoint a committee composed of unbiased members to make up the new Conference Committee on **HB 314.**

On the roll call the vote was yeas 33-Arnold, Blythe, R. Brown, Burch, Chandler, Clapp, Davis, Dawahare, Gay, Hancock, Hislope, Holbrook, Imes, Isler, Kenton, King, Kleier, Little, Mason, McBrayer, Morgan, Nett, Richardson, Robinson, Romines, Schmaedecke, Schmidt, Stephens, Stone, Troop, Van Horn, Watkins, Wible. Nays 33-Beshear, Blandford, Blume, Clarke, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Head, Hellard, Hinkle, Holloway, Hughes, Kafoglis, Karem, Lindsay, Mann, McBee, McBride, Overstreet, Paxton, Reynolds, Sale, Swinford, Vincent, Wells, G. White, J. White, Yates.

The motion that the rules be suspended was rejected.

Representative Clapp moved that the rules be suspended to allow the members of the House to instruct the Conference Committee on **HB 314** when appointed by the Speaker.

On the roll call the vote was yeas 47-Allen, Bennett, Blythe, R. Brown, Burch, Chandler, Clapp, Davis, Dawahare, DeMarcus, Freeman, Givhan, Graves, Guenthner, Hancock, Hislope, Holbrook, Hopkins, Hughes, Imes, Isler, Kenton, King, Kleier, Little, Louden, Mason, May, McBrayer, McGill, Morgan, Nett, O'Brien, Priddy, Rattliff, Richardson, Robinson, Romines, Schmaedecke, Sharpe, Stephens, Stone, Troop, Van Horn, Watkins, Whitfield, Wible. Nays 22-Beshear, Blandford, Blume, Clarke, Donnermeyer, Dunn, Foster, Head, Hellard, Holloway, Kafoglis, Karem, Mann, McBride, Pearman, Paxton, Reynolds, Swinford, Vincent, Wells, J. White, Yates.

The motion that the rules be suspended to allow the members of the House to instruct the Conference Committee on **HB 314** when appointed by the Speaker was rejected.

Senate Message

Letter in regard to **SB 206** as follows: The Senate has refused to concur in the Majority Conference Report on Senate Bill No. 206 and has noted to send **SB 206** to a Free Conference.

The membership of the Conference Committee shall be the same as the previous Conference Committee.

Orders of the Day (continued)

The Speaker appointed the following Conference Committee in regard to **HB 314:** Representatives Holloway, Clarke, Donnermeyer, Lindsay, and Paxton.

The Speaker appointed Representative Kafoglis to the Conference Committee on **SB 220.**

The Speaker appointed the following Conference Committee in regard to **HB 538:** Representatives Burch, Mann, and Thomas.

Representative Richardson moved that the House refuse to recede from its amendment to **SB 269.** Agreed.

Representative Swinford moved that the House recede from its amendment to **SB 94.** Agreed.

Representative Pearman moved that the House refuse to recede in its amendment to **SB 159.** Agreed.

Representative Swinford moved that the rules be suspended for introduction and action on Resolutions. Agreed.

Introduction of Resolutions

HR 118, by Representative Robinson: A RESOLUTION directing a study of the workmen's compensation Special Fund.

HR 119, by Representative Swinford: A RESOLUTION commending the employees of the General Assembly and the staff of the Legislative Research Commission.

HR 120, by Representative Guenthner: A RESOLUTION directing the Legislative Research Commission to study certificate of title laws to determine the most feasible title system for the protection of the citizens of the Commonwealth of Kentucky and to draft legislation for the 1976 Regular Session of the General Assembly.

Representative Guenthner moved the adoption of the following **HR 120:**

HR 120, A RESOLUTION directing the Legislative Research Commission to study certificate of title laws to determine the most feasible title system for the protection of the citizens of the Commonwealth of Kentucky and to draft legislation for the 1976 Regular Session of the General Assembly.

WHEREAS, the 1974 General Assembly has buried in the legislative graveyard the certificate of title act; and

WHEREAS, Kentucky is the only state in the United States without a title law; and

WHEREAS, absolute proof of ownership is not required to obtain a registration in Kentucky; and

WHEREAS, the result is that professional car thieves throughout the country may easily register their stolen vehicles in Kentucky, making the state a potential clearing house for stolen vehicles; and

WHEREAS, a title law documents proof of ownership by identifying the named owner plus any lienholders; and

WHEREAS, it protects the car buyer from innocently purchasing a stolen car; and

WHEREAS, it establishes a record-keeping system uniform with the other forty-nine states; and

WHEREAS, it is designed to protect your car from the professional auto thief;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission study the certificate of title acts in existence in the other states to determine which system would be most feasible for the protection of the citizens of the Commonwealth of Kentucky and that such legislation be drafted and ready for introduction before the 1976 Regular Session of the General Assembly convenes.

Section 2. The estimated cost of the study is $3,500.

HR 120 was adopted by voice vote.

Representative Robinson moved the adoption of the following **HR 118:**

HR 118, A RESOLUTION directing a study of the workmen's compensation Special Fund.

WHEREAS, it is becoming increasingly economically burdensome to finance the payment of black lung claims; and

WHEREAS, it is patently inequitable to compel non-coal related employers to share in this compensation; and

WHEREAS, it is economically unfeasible for the coal industry itself to bear the total liability for such compensation;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is hereby directed to study the financing of the workmen's compensation Special Fund, including the possibility of utilizing the the severance tax, in order to pay black lung claims more equitably.

Section 2. That the cost of such research is estimated to be $5,000.

HR 118 adopted by voice vote.

Representative Kafoglis moved the adoption of the following **HR 106:**

HR 106, A RESOLUTION relating to telephones for the General Assembly.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is hereby requested to examine the cost and feasibility of installing a telephone at the desk of every member of the General Assembly.

Section 2. That if such examination reveals the possibility of such installation at a cost justified under pertinent appropriations, and if such be feasible, then the Legislative Research Commission shall accomplish such installation as soon as possible, and not later than December 31, 1975.

HR 106 was adopted by voice vote.

Representative Hellard moved the adoption of the following **HR 109:**

HR 109, A RESOLUTION creating a special committee of the House to study the Rules of the House.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That a special committee, composed of three members of the House appointed by the Speaker thereof, be created to conduct a study during the 1974-75 interim of the Rules of the House of Representatives and to recommend changes to the 1976 House of Representatives.

Section 2. That any other members of the House of Representatives who desire to serve on said committee be authorized to do so.

Section 3. That the chairman of the special committee be chosen by the members of said committee.

HR 109 was adopted by voice vote.

The Speaker appointed the following Free Conference Committee in regard to **SB 206:** Representatives O'Brien, Karem, and Blume.

Representative Swinford moved that when the House adjourns, it do so until 10:00 A.M., March 22, 1974. Agreed.

Representative Swinford moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative Swinford moved that when the House adjourns, it do so by voice vote. Agreed.

Recess

Representative Swinford moved that the House recess until 6:00 P. M. Agreed.

At the appointed hour, Representative Mann assumed the Chair and called the House to order.

Senate Message

HB 126 returned with letter as follows: As requested by the House, the Senate has receded from its amendment on House Bill 126 and is returning it to this Honorable Body for enrollment.

SB 290 returned with letter as follows: The Senate has refused to concur in the House Amendment to Senate Bill 290 and respectfully requests that this Honorable Body recede from its amendment.

Letter in regard to **SB 173** as follows: The Senate has refused to concur in the House Amendment to Senate Bill No. 173 and is requesting that a Conference Committee of one member in each House be appointed. The Senate has appointed Senator Easterly as its member of the Committee.

Adjournment

Representative Swinford moved that the House adjourn until 10:00 A.M., Friday, March 22, 1974. Agreed.

FRIDAY, MARCH 22, 1974

SIXTIETH LEGISLATIVE DAY

The House was called to order by Speaker Pro Tempore Paxton.

Prayer by the Reverend Herman Bowers, First Baptist Church, Frankfort.

The roll was called. All members present.

Representative Hughes moved that the reading of the Journal of March 21, 1974, be dispensed with and the same approved. Agreed.

Motions, Petitions and Communications

Representative Kafoglis filed the following Conference Committee Report on **SB 220** endorsed by Representatives Kafoglis and Graves.

The conference committee on **SB 220** with all appointees being present, met on March 21, 1974, and adopted the following report:

SB 220, as passed by the Senate, be amended as follows:

(A) On page 2, line 6, strike "is authorized and empow" and inserting in lieu thereof "*shall*"; by striking on line 7 "ered to"; by striking on line 23 "*a period not less*" and inserting in lieu thereof "*at least four years from the date of receipt*"; by striking on line 24 "*than one year past the term of office for which the* "; by striking on line 25 "*statement has been filed*";

(B) On page 3, line 26, strike "*Make on its own motion audits and field*" and insert in lieu thereof " *Conduct random audits of receipts and expenditures of candidates running for city, county, urban county government and district offices; and conduct audits of receipts and expenditures of all candidates running for statewide office*";

(C) By striking on page 4, line 1, "*investigations*";

(D) On page 6, striking in their entirety lines 9, 10, and 11 and inserting in lieu thereof "*any political action committee*"; on line 12 strike "*year in an aggregate amount exceeding $1,000*";

(E) On page 11, line 15, strike "*one*" and insert in lieu thereof "*four years*"; strike line 16 in its entirety, and on line 17, strike "*been filed*";

(F) On page 11, after line 18, by adding after line 18, the following words:

"Section 7. A new section of KRS Chapter 123 is created to read as follows:

(1) Each candidate shall designate one political committee as his central campaign committee. The central campaign committee shall receive all reports made by any other political committee accepting contributions or making expenditures for the purpose of influencing the nomination for election, or election, of the candidate who designated it as his central campaign committee.

(2) Each statement or report that a political committee is required to file with or furnish to the registry shall, if that political committee is not a central campaign committee, be furnished instead to the central campaign committee for the candidate on whose behalf that political committee is, or is established for the purpose of, accepting contributions or making expenditures.

(3) Each central campaign committee shall receive all reports and statements filed with or furnished to it by other political committees, and shall consolidate and furnish the reports and statements to the registry, together with its own reports and statements as prescribed by KRS 123.086.

Section 8. A new section of KRS Chapter 123 is created to read as follows:

(1) Each candidate and each committee formed to advocate or oppose a constitutional amendment or public question shall, before receiving any contributions or expending any money shall designate one primary campaign depository for the purpose of depositing all contributions received and disbursing all expenditures made by the candidate or committee. The candidate or committee may also designate one secondary depository in each county in which an election is held and in which the candidate or committee participates.

Deputy campaign treasurers may make deposits in and make expenditures from secondary depositories. Only a bank authorized to transact business in Kentucky may be designated as a campaign depository. The candidate or committee shall file the name and address of each primary and secondary depository so designated at the same time the candidate or committee files the name of his or its campaign treasurer.

(2) All funds received by the campaign treasurer or any deputy campaign treasurer of any candidate or committee shall be deposited prior to the end of the fifth business day following their receipt in a campaign depository in an account designated "Campaign Fund of (name of candidate or committee)". A statement showing the full name, address and occupation of each contributor shall be deposited together with a statement of the amount received. Cash contributions shall be accompanied by the same receipt form. Such statement shall be in triplicate upon a form prescribed by the registry, one copy to be retained by the campaign depository, one copy to be filed by the campaign treasurer in the campaign report to the registry, and one copy to be retained by the campaign treasurer. Statement shall be certified as correct by the campaign treasurer."

Representative Kafoglis moved that the Conference Committee Report on **SB 220** be adopted. Agreed.

Representative Swinford moved that **SB 220,** as amended by the Conference Committee Report, be placed upon its passage.

On the roll call the vote was yeas 68-Arnold, Bennett, Benson, Beshear, Blandford, Bowles, Brewer, Bruce, Chandler, Clapp, Davis, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Graves, Hancock, Hardin, Harris, Head, Hellard, Hinkle, Hislope, Hopkins, Hughes, Imes, Isler, Kidd, Lewis, Lindsay, Little, Mason, May, Maynard, McBee, McBrayer, McBride, McGill, Morgan, Nett, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Roberts, Romines, Sale, Schmaedecke, Schmidt, Sharpe, Siemens, Stephens, Stone, Swinford, Troop, Turner, Van Horn, Vincent, Wells, G. White, J. White, Wible, Yates. Nays 0.

SB 220, as amended by the Conference Committee Report, was passed and the title agreed to.

Representative Swinford moved that the vote by which **SB 220** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Letter in regard to **SB 269** as follows: The Senate is requesting that a Conference Committee be appointed on Senate Bill No. 269 inasmuch as it will not accept the amendment of the House. The Senate has appointed Senator Baker, Senator Middleton, and Senator Knuckles to the Committee.

Motions, Petitions and Communications (continued)

The Speaker appointed the following Conference Committees:

SB 173, Representative Wible; **SB 269,** Representatives Quickert, Richardson, and Sharpe; **SB 159,** Representatives Foster, Pearman, and Guenthner, Chairman.

The Speaker assumed the Chair.

Representative Wible filed the following Conference Committee Report on **SB 173** endorsed by Senator Easterly and Representative Wible:

Members of the Senate and House of Representatives met on Thursday, March 21, 1974, to try to come to an agreement on **SB 173.**

The meeting was called to order and Senator Easterly was elected chairman of the committee.

After some discussion, the committee agreed to take the following action:

Recommend deletion from House Amendment No. 2 to **SB 173,** on page 2 of said amendment, of subparagraph (b) of Section 4, subsection (1);

And by redesignating in such subsection (1) subparagraph (c) as subparagraph (b), and subparagraph (d) as subparagraph (c).

There was a unanimous consent to the committee that this act be taken and that recommendation be made to both houses to concur with this recommendation.

Representative Wible moved that the Conference Committee Report on **SB 173** be adopted. Agreed.

Representative Wible moved that **SB 173,** as amended by the Conference Committee Report, be placed upon its passage.

On the roll call the vote was yeas 75-Adams, Allen, Arnold, Bennett, Beshear, Blandford, Blythe, Bowles, R. Brown, Bruce, Burch, Chandler, Clarke, Crupper, Dawahare, DeMarcus, Denham, Dietz, Donnermeyer, Foster, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Harris, Head, Hellard, Hinkle, Holbrook, Hopkins, Hughes, Imes, Isler, Karem, Kidd, Kleier, Little, Louden, Mann, Mason, May, Maynard, McBee, McBrayer, McBride, Morgan, Nett, O'Brien, Overstreet, Paxton, Priddy, Quickert, Richardson, Roberts, Robinson, Romines, Sale, Sharpe, Siemens, Smith, Stephens, Stone, Swinford, Thomas, Troop, Turner, Van Horn, Vincent, Watkins, G. White, J. White, Whitfield, Wible. Nays 2-Pearman, Rattliff.

SB 173, as amended by the Conference Committee Report, was passed and the title agreed to.

Representative Wible moved that the vote by which **SB 173** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Guenthner filed the following House Conference Committee Report on **SB 159** endorsed by Representatives Guenthner, Pearman and Foster:

The House Conference Committee on **SB 159** requested that the Senate appoint a Conference Committee, and the Senate refused to do so.

It is the recommendation of this Committee that **SB 159** be returned to the Senate with the explanation that the House will not rescind its Amendment to **SB 159** and we respectfully request that the Senate concur in our Amendment.

It is the unanimous opinion of this Committee that the House Amendment to **SB 159** makes this bill a better piece of legislation.

Representative Guenthner moved that **SB 159** be returned to the Senate with the House Conference Committee Report.

Representative Swinford moved that the House Conference Committee Report on **SB 159** be adopted. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 42, SB 51, SB 99, SB 194, SB 246, SB 259, SB 280, SB 86, SB 2, SB 188, SB 275, SB 114, SB 156, SB 176, SB 177, SB 236, SB 281, SB 332, HB 3, HB 44, HB 100, HB 126, HB 176, HB 304, HB 368, HB 426, HB 436, HB 459, HB 535, HB 600, HB 655, HB 657, HB 671, HB 722, HB 754, HB 799,** and **HB 860** had been examined and found correctly enrolled. **SB 42, SB 51, SB 99, SB 194, SB 246, SB 259, SB 280, SB 86, SB 2, SB 188, SB 275, SB 114, SB 156, SB 176, SB 177, SB 236, SB 281, SB 332, HB 3, HB 44, HB 100, HB 126, HB 176, HB 304, HB 368, HB 426, HB 436, HB 459, HB 535, HB 600, HB 655, HB 657, HB 671, HB 722, HB 754, HB 799,** and **HB 860** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 3, HB 44, HB 100, HB 126, HB 176, HB 304, HB 368, HB 426, HB 436, HB 459, HB 535, HB 600, HB 655, HB 657, HB 671, HB 722, HB 799, and **HB 860** delivered to the Senate, signed by President. Ordered delivered to the Governor.

HB 754 delivered to the Senate, signed by President. Ordered delivered to the Secretary of State.

Motions, Petitions and Communications

Representative McBride requested that he be recorded as voting "yea" on **SB 125** and **HB 491.**

Representative Stone moved that Legislative Citations Nos. 153, 155, 156, 157, 158, 159, 160, 161, 162 and 175 be adopted. The following Citations were all adopted by voice vote:

The House of Representatives of the Commonwealth of Kentucky hereby honors Meade County and its Fiscal Court for the One Hundred Fiftieth Anniversary of its founding on March 22, 1824. Meade County, located on the Ohio River and formed from Hardin and Breckinridge Counties, was the 76th county to be established in Kentucky. Proudly, Meade countians recall that one of their first county judges, James F. Woolfolk, was a delegate to the Convention which framed the first Kentucky Constitution. Great strides were made by the first court of Meade County, and all subsequent courts have stood for progress and the betterment of Meade County. (Sponsored by Representative Stone)

The House of Representatives of the Commonwealth of Kentucky hereby honors James S. Woolfolk, Joe Ray, Charles Crutcher, Ralph Johnson, Bernard, Greenwell and Fairleigh Yates as energetic, conscientious, and knowledgeable members of the Meade County Fiscal Court which celebrates its 150th Anniversary on March 22, 1974.

The House of Representatives of the Commonwealth of Kentucky hereby honors James E. Greer as the energetic, conscientious, and knowledgeable Judge of the Meade County Fiscal Court which celebrates its 150th Anniversary on March 22, 1974. (Sponsored by Representative Stone)

The House of Representatives of the Commonwealth of Kentucky hereby honors Dorothy Robbins as the energetic, conscientious, and knowledgeable Judge Pro Tem of the Meade County Fiscal Court which celebrates its 150th Anniversary on March 22, 1974. (Sponsored by Representative Stone)

The House of Representatives of the Commonwealth of Kentucky hereby honors William P. Lusk, Sr. for his outstanding and dedicated service to Meade County and the State of Kentucky. He served faithfully in the following capacities: twenty-four years as County Court Clerk, four years as a member of the Democratic State Central Executive Committee, 12 years as Chairman of the Democratic Party of Meade County, and many years as a precinct chairman. He is known and respected by his colleagues throughout the state as a man who works tirelessly for the people of Kentucky. (Sponsored by Representative Stone)

Representative McBride presiding.

Senate Message

SB 206 returned with the following letter: The Senate has adopted the Free Conference Committee Report on Senate Bill No. 206 and requests concurrence from this Honorable Body.

Motions, Petitions and Communications

Representative Richardson filed the following House Conference Committee Report on **SB 269:**

The House of Representatives should recede from its amendment to Senate Bill 269.

Representative Richardson moved that the Conference Committee Report on **SB 269** be adopted. Agreed.

Representative Richardson moved that **SB 269,** without the House Amendment, be placed upon its passage.

On the roll call the vote was yeas 55-Adams, Allen, Arnold, Benson, Beshear, Blandford, R. Brown, Bruce, Burch, Chandler, Clapp, Crupper, Dawahare, Denham, Dietz, Donnermeyer, Foster, Graves, Hancock, Harris, Head, Hinkle, Hurst, Imes, Isler, Kafoglis, Karem, Kenton, Kidd, King, Kleier, Lewis, Louden, Mann, Mason, Maynard, McBee, McBride, Morgan, Nett, O'Brien, Overstreet, Paxton, Quickert, Reynolds, Richardson, Schmaedecke, Siemens, Swinford, Thomas, Troop, Van Horn, Vincent, J. White, Wible, Yates. Nays 11-Davis, Dunn, Guenthner, Holbrook, Hughes, Little, McGill, Priddy, Schmidt, Sharpe.

SB 269 was passed and the title agreed to.

Representative Richardson moved that the vote by which **SB 269** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Swinford moved that the House adopt Legislative Citations. Agreed.

Representative McBrayer moved the adoption of the following Legislative Citation No. 177. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby commends the Kentucky Department of Public Information for their excellent coverage of the 1974 General Assembly and for their cooperation and assistance in providing material and information to other news media. The pictorial directory of legislators has been in great demand and very much appreciated by all Kentuckians. (Sponsored by Representative McBrayer)

Representative Hellard moved the adoption of Legislative Citation No. 178. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby takes notice of the tremendous effort exerted by the Gentleman from Jefferson No. 34 in his daily chewing of gum. The art of so chewing gum is fast becoming lost, but the House commends the Gentleman for his preservation of this art and his daily demonstration thereof. (Sponsored by Representative Hellard)

Representative Hughes moved the adoption of Citation No. 179. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby commends Steven John Birchler of Boy Scout Troop No. 366, sponsored by the St. Athanasius Church of Louisville, for his organization and direction of patrols and projects in the collection of cans, papers, and bottles which were sold and the money donated to charity. (Sponsored by Representative Hughes)

Representative J. White moved the adoption of Legislative No. 180. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby commends Mrs. Mallie Bledsoe for her dedicated service as Superintendent of Clay County Schools for twenty-eight years. She has spent many long years improving the quality of education in Clay County, building new schools, and developing a consolidated school program. She has been a guiding light to her community. (Sponsored by Representative J. White)

Representative J. White moved the adoption of Legislative Citation No. 181. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby commends Mr. Jesse Davis Lay for his dedication and service as Superintendent of Knox County Schools. Since 1946, Mr. Lay has worked in his capacity to improve the quality of education in Knox County by consolidating schools, by increasing the number of buses, by raising teachers' pay and also increasing the number of teachers. He has worked actively in the Kiwanis, KEA, Red Cross, the Cumberland Development Council, and is Director of the Bureau of School Service at the University of Kentucky. His outstanding work has been a credit to his county and to the State of Kentucky. (Sponsored by Representative J. White)

Representative Richardson moved the adoption of Legislative Citation No. 182. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby makes the following "Photographic Awards", based on an actual count of mug shots: "Sportmanship", Kenneth Imes; "The Always Trying To Get In The Picture Award", Terry McBrayer; "Most Expressive Photographical", Gross Lindsay, Lewis Foster, Harold DeMarcus, Bruce Blythe, and Norbert Blume; "Most Co-Operative",

Raymond Overstreet and Glenn Freeman; and "Most Photographed", Dottie Priddy, Terry McBrayer, and Robert Hughes. (Sponsored by Representative Richardson)

Representative Van Horn moved the adoption of Legislative Citation No. 183. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby commends the Speaker for ejecting the Gentleman from Letcher; and requesting the ejection of the other ninety-nine members which will afford them the same opportunity for re-election. (Sponsored by Representative Van Horn)

Representative G. White moved the adoption of Legislative Citation No. 184. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby honors Linville Puckett for his contribuitons and achievements in basketball in the Commonwealth. Mr. Puckett's recognition includes having been named to the Kentucky All-State team three consecutive years, named to the Lexington Herald and the Courier-Journal teams three consecutive years, was a member of the University of Kentucky's only undefeated team, named to the Southeastern Conference team and an All-American honorable mention was given to him as a sophomore. This body recognizes Linville Puckett as one of Kentucky's all-time outstanding basketball players. (Sponsored by Representative G. White)

Representatives Siemens and Yates moved the adoption of Legislative Citation No. 185. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby commends Alderman Gerta Bendl, who has eagerly and diligently devoted so much time to committees of the General Assembly, clarifying and promoting legislation beneficial to the citizenry of Louisville and Jefferson County. (Sponsored by Representatives Siemens and Yates)

Representatives Siemens and Yates moved the adoption of Legislative Citation No. 186. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby commends George Lucas, who has worked diligently in the interest of labor legislation, and has assisted the Labor and Industry Committee by clarifying many issues. (Sponsored by Representatives Siemens and Yates)

The Speaker assumed the Chair.

Representative Karem filed the following Free Conference Committee Report on **SB 206** endorsed by Representatives Blume and Karem, Senators Smith and Powers:

The free conference committee on **SB 206** with all appointees, Senators Lacey Smith, Georgia Davis Powers and Eugene Stuart of the Senate, and Representatives Mark O'Brien and David Karem and Speaker Norbert Blume, being present, met on March 21, 1974, and adopted the following report:

SB 206, as amended by the House of Representatives, be amended as follows:

(A) By deleting Section 1, as passed by the House of Representatives with Amendment No. 11, in its entirety and by substituting therefor the following:

"Section 1. KRS 160.607 is amended to read as follows:

(1) The school tax authorized by KRS 160.482 to 160.488 shall be at a single uniform rate not to exceed one-half of one per cent (.5%) and shall continue from year to year until changed as prescribed in KRS 160.484.

(2) Any county having 300,000 or more inhabitants is authorized to increase the school tax rate to exceed the maximum set in subsection (1) of this section by one-quarter of one per cent (.25%) [for a period of two (2) years only].

[(3) The revenues generated by the additional tax rate authorized by subsection (2) of this section shall be distributed among the school districts of the county as provided in KRS 160.486, except that each year the first $600,000 of these revenues shall go directly to any school district within the county operating with a financial deficit prior to July 1, 1971.]

(B) By deleting Section 2 as passed by the House of Representatives in its entirety and substituting in lieu thereof the following:

"Section 2. A new section of KRS Chapter 160 is created to read as follows:

KRS 160.595 to the contrary notwithstanding, after January 1, 1975, any county containing a city of the first class may levy either or both of the taxes authorized by KRS 160.613 to 160.617 and KRS 160.621 to 160.633 in addition to the occupational license tax authorized by KRS 160.482 to 160.488, KRS 160.593. to 160.597, and KRS 160.607(2)."

(C) By creating a new section to the Committee Substitute for **SB 206** as follows:

"Section 3. A new section of KRS Chapter 160 is created to read as follows:

Any order or resoltuion of a fiscal court in a county containing a city of the first class levying either or both of the taxes authorized by KRS 160.613 to 160.617 and KRS 160.621 to 160.633 under Section 2 of this Act may be recalled as provided in subsections (2) and (3) of KRS 160.485, provided that the petition for recall shall be effective upon the signature of a number of registered and qualified voters as described therein equal to five percent (5%) instead of the percentage provided therein."

Representative O'Brien filed the Minority Report of the Conference Committee on **SB 206.**

Representative Karem moved that the Free Conference Committee Report on **SB 206** be adopted.

On the roll call the vote was yeas 48-Beshear, Blandford, Blume, Bowles, Bruce, Clapp, Clarke, Davis, Dawahare, Dietz, Donnermeyer, Foster, Givhan, Graves, Hancock, Harris, Head, Hellard, Hinkle, Imes, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Louden, Mann, Mason, Maynard, McBee, McBride, McGill, Morgan, Overstreet, Paxton, Quickert, Reynolds, Richardson, Sale, Stephens, Swinford, Troop, Turner, Vincent, Watkins, Whitfield, Wible. Nays 22-Allen, Bennett, Burch, Chandler, DeMarcus, Denham, Dunn, Guenthner, Holbrook, Hopkins, Hughes, Isler, McBrayer, Nett, O'Brien, Priddy, Robinson, Romines, Smith, Thomas, Van Horn, Yates.

The motion that the Free Conference Committee Report on **SB 206** be adopted was adopted.

Representative Karem moved that **SB 206,** as amended by way of the Free Conference Committee Report, be placed upon its passage.

On the roll call the vote was yeas 48-Arnold, Benson, Beshear, Blandford, Blume, Bowles, R. Brown, Clapp, Clarke, Dawahare, Dietz, Donnermeyer, Foster, Givhan, Graves, Hancock, Harris, Head, Hellard, Hinkle, Imes, Kafoglis, Karem, Kenton, Kidd, Kleier, Lewis, Louden, Mann, Mason, Maynard, McBee, McBride, McGill, Morgan, Pearman, Paxton, Quickert, Reynolds, Richardson, Sale, Stephens, Swinford, Troop, Turner, Vincent, Watkins, Wible. Nays 22-Allen, Bennett, Burch, Chandler, Davis, DeMarcus, Denham, Dunn, Guenthner, Holbrook, Holloway, Hughes, Isler, Little, McBrayer, Nett, O'Brien, Priddy, Rattliff, Robinson, Romines, Thomas, Van Horn, Yates.

SB 206, as amended by way of Free Conference Committee Report, was passed.

Representative Karem moved the adoption of the following Title Amendment to **SB 206:**

Amend printed copy of Committee Substitute for Senate Bill 206 page 1 by amending the title to read as follows: "AN ACT relating to revenue and taxation for school purposes in counties containing a city of the first class."

The Title Amendment to **SB 206** was adopted by voice vote.

Representative Karem moved that the vote by which **SB 206** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The following members requested that they be recorded as voting as follows: Representative DeMarcus, "no" on **HB 640;** Representative Louden, "yes" on **SB 219;** Representative Robinson, "yes" on **HB 581,** "yes" on **HB 754,** "yes" on **HB 174,** "yes" on **HB 42,** "yes" on **HB 436,** "yes" on **HB 44,** "no" on **HB 368,**

"no" on Amendments to **SB 269**, "no" on **SB 269**; Representative J. White, "no" on Amendments to **SB 269**, "no" on **SB 269**; Representative J. White, "no" on Amendments to **SB 269**, "no" on **SB 269**; Representative Robinson, "no" on **SB 335**; Representative Kidd, "yes" on **SB 206, SB 274, SB 182, SB 204, SB 247, SB 295, SB 298, SB 200, SB 203, SB 226, SB 60, SB 46, SB 58, SB 181, HB 121, HB 229, HB 330, HB 372, HB 376**; Representative Imes, "no" on **HB 712**; Representative Gay, "yes" on Majority Report on **SB 114**; Representative Beshear, "yes" on Senate Amendment to **HB 232** and **HB 232** as amended; Representative Beshear, "yes" on **SB 254, SB 256**; Representative Pearman, "no" on **SB 216**; Representative Kafoglis, "no" on **HB 517**; Representative Reynolds, "yes" on **HB 232.**

The following members requested that their names be added as co-sponsors of Bills and Resolutions. Representative Imes, **HJR 30, HB 100**; Representative Bruce, **HB 100**; Representative Pearman, **HB 436, HB 567.**

Recess

Representative Swinford moved that the House recess until 1:30 P.M. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Senate Message

Letter of **SB 5** as follows: The Senate has refused to concur in the House Amendment to Senate Bill No. 5 and is respectfully requesting that a Conference Committee be called. The Senate has appointed Senators Yocom, Huff and Friend to the Committee.

Representative McBrayer presiding.

Motions, Petitions and Communications (continued)

Representative Morgan moved that a call of the roll be taken to show whether or not members will seek re-election.

On the roll call the vote was yeas 53-Adams, Arnold, Bennett, Benson, Beshear, Blandford, Blume, Bowles, Bruce, Burch, Chandler, Clapp, Clarke, Crupper, Davis, Denham, Dietz, Donnermeyer, Dunn, Foster, Gay, Givhan, Guenthner, Harris, Hinkle, Holbrook, Imes, Isler, Karem, Kenton, Kidd, Lewis, Little, Louden, Mann, Mason, McBee, McGill, O'Brien, Pearman, Rattliff, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Smith, Swinford, Thomas, Van Horn, J. White, Wible, Yates. Nays 5-Hardin, McBrayer, Stone, Turner, Watkins.

Representative Swinford moved the adoption of the following **HR 119:**

HR 119, A RESOLUTION commending the employees of the General Assembly and the staff of the Legislative Research Commission.

WHEREAS, the 1974 General Assembly has received the utmost in conscientious and capable assistance from its constitutional and clerical employees and the staff of the Legislative Research Commission; and

WHEREAS, these fine people have without exception displayed courtesy, cooperation, and an unfailing willingness to assist the General Assembly during its 1974 regular session, with complete disregard of partisanship or their own convenience; and

WHEREAS, this House of Representatives now does deem highly appropriate the proper recognition and commendation of all such services, and those so rendering, in all instances with kindness and good humor, despite the pressures of time and the heaviest workload in many years;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives does hereby honor and commend the constitutional and clerical employees of the General Assembly and the staff of the Legislative Research Commission, for outstanding service to the 1974 regular session of the General Assembly.

HR 119 was adopted by voice vote.

Representative Watkins moved that a call of the roll be taken to show 1962 members of the House. Agreed.

The roll call showed the following were members of the House in 1962: Representatives Blythe, Denham, Harris, Hinkle, Isler, Morgan, Swinford, and Watkins.

Representative Kidd moved that a call of the roll be taken to show 1968 members of the House. Agreed.

The roll call showed the following were members of the House in 1968: Representatives Blandford, Blythe, Bowles, Davis, Kidd, Louden, May, Rattliff, Smith, and Wells.

Senate Message

HB 22 returned with the following letter: The Senate has receded from its amendment on House Bill No. 22 and respectfully returns it to this Honorable Body for enrollment.

Letter on **HB 9** as follows: This is to notify the House that the Senate has concurred in the Conference Report on House Bill 9.

Motions, Petitions and Communications (continued)

The Speaker appointed the following Conference Committee on **SB 5:** Representatives R. Brown, DeMarcus, and G. White.

The Speaker sppointed the following Free Conference Committee on **HB 538:** Representative Richardson, Stephens, and Mason.

Recess

Representative Swinford moved that the House recess until 3:15 P.M. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Senate Message

HB 168 returned with the following letter: The Senate has receded from its amendment to House Bill No. 168 and is returning it to this Honorable Body for enrollment.

HB 538 returned with the following letter: The Senate has adopted the Conference Committee Report on **HB 538** and is respectfully returning it to this Honorable Body for concurrence and enrollment.

Motions, Petitions and Communications (continued)

Representative Richardson filed the following Conference Committee Report on **HB 538:**

The Conference Committee on **HB 538** recommends that the House concur in the Senate Amendment to **HB 538.**

Representative Richardson moved that the Conference Committee Report on **HB 538** be adopted. Agreed.

Representative Richardson moved that **HB 538,** as amended by the Conference Committee Report, be placed upon its passage.

On the roll call the vote was yeas 64-Arnold, Benson, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Burch, Crupper, Davis, Dawahare, Denham, Dunn, Freeman, Gay, Givhan, Graves, Guenthner, Hancock, Hardin, Harris, Hellard, Hinkle, Holbrook, Holloway, Hughes, Hurst, Imes, Isler, Kafoglis, Karem, Kidd, Kleier, Lewis, Little, Mann, Mason, May, McBee, McGill, O'Brien, Pearman, Priddy, Quickert, Rattliff, Reynolds, Richardson, Roberts, Schmidt, Sharpe, Smith, Stephens, Stone, Thomas, Turner, Van Horn, Vincent, Watkins, Wells, G. White, J. White, Whitfield, Wible. Nays 0.

HB 538, as amended by the Conference Committee Report, was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 538** as amended was passed be reconsidered and said motion be postponed indefinitely. Agreed.

The following members requested that they be recorded as voting as follows: Representative Whitfield, "no" on **SB 114** Majority Conference Committee Report, "no" on **HB 724,** "no" on **HB 640,** "yes" on **SB 236,** "yes" on **SB 259,** "yes" on **SB 122,** "yes" on **SB 156,** "yes" on **SB 246,** "no" on **SB 315,** "yes" **SB 278,** "yes" on **SB 199,** "yes" on **SB 250,** "yes" on **SB 252;** Representative Hellard, "yes" on **HB 639;** Representative Karem, "yes" on **HB 583;** Representative Paxton, "yes" on **HB 9;** Representative Hurst, "yes" on **HB 232;** Representative Overstreet, "no" on **HB 785;** Representative Van Horn, "yes" on **SB 254, SB 256, SB 82, SB 159;** Representative Arnold, "no" on **SB 347, SB 252, SB 197, HB 467, HB 574, HB 492, HB 121, HB 793, HB 557,** "yes" on **SB 114;** Representative Bruce, "yes" on **HB 214, HB 236;** Representative Freeman, "yes" on **SB 5;** Representative Hellard, "no" on **HB 712;** Representative Hinkle, "yes" on **HB 288, HB 579;** Representative Romines, "no" on **SB 188,** "yes" on **HB 436;** Representative McBrayer, "yes" on **SB 135;** Representative Troop, "yes" on **HB 426,** "no" on **SB 197;** Representative Nett, "yes" on **SB 99, SB 182, SB 204, HB 673, SB 56, SB 58, SB 181;** Representative Allen, "yes" on **HB 232;** Representative J. White, "no" on **HB 220, HB 655, SB 78.**

The following members requested that their names be added as co-sponsors of Bills and Resolutions: Representative Hancock, **HB 232, HB 581, HB 235;** Representative Imes, **HJR 30, HB 100;** Representative Allen, **HB 232.**

Motions, Petitions and Communications

Representative G. White moved that a Legislative Citation be adopted to honor Jim French. Agreed.

Representative Swinford moved the adoption of Legislative Citation No. 188. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby commends Representative Hoover Dawahare and the "Mountain Boys" for their flowers, their party, and their continued goodwill, especially toward the ladies of the House Clerk's Office. Their presence has helped lighten the hard-work load of the legislature. Best wishes are extended from the Clerk's Office. (Sponsored by Representative Swinford)

Representative J. White moved the adoption of Legislative Citation No. 189. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby commends Mrs. Florence Prichard of Barbourville, Kentucky, for her diligence and leadership in the flood control programs for the Cumberland River. When and if a dam is built to help with this problem, it should be named in honor of Mrs. Prichard. (Sponsored by Representative J. White)

Representative J. White moved the adoption of Legislative Citation No. 190. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby commends the members of the East Barbourville Baptist Church for their efforts in opposing House Bill 537 which would have permitted the sale of liquor-by-the-drink in resort hotels, motels, and motor courts of dry counties. (Sponsored by Representative J. White)

Representative J. White moved the adoption of Legislative Citation No. 191. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby commends Reverend Marvis Pridemore, Pastor of the Poplar Creek Baptist Church, for his efforts in opposing House Bill 537 which would have permitted the sale of liquor-by-the-drink in resort hotels, motels, and motor courts of dry counties. (Sponsored by Representative J. White)

Representative J. White moved the adoption of Legislative Citation No. 192. Agreed.

The House of Representatives of the Commonwealth of Kentucky hereby honors Jenny White, sixteen year old daughter of Representative James White, for having been elected Homecoming Queen at Barbourville City High School, Barbourville, Kentucky. (Sponsored by Representative J. White)

Report on Enrolled Bills

The Committee on Enrollment reported **HB 9, HB 22, HB 538, HB 168, SB 70, SB 100, SB 182, SB 215, SB 334, SB 269, SB 206, SB 94, SB 135,** and **SB 220** had been examined and found correctly enrolled. **HB 9, HB 22, HB 538, HB 168, SB 70, SB 100, SB 182, SB 215, SB 334, SB 269, SB 206, SB 94, SB 135,** and **SB 220** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 9, HB 22, HB 538, and **HB 168** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Motions, Petitions and Communications

Representative Reynolds presiding.

Representative Clarke moved that the Legislative Research Commission appoint a Committee of the House to look into the Interim Committee System. Agreed.

Representative Turner moved that a call of the roll be taken to determine whether or not a quorum was present. Agreed.

The call of the roll showed 52 members present.

The Speaker Pro Tempore assumed the Chair.

Senate Message

Letter on **HB 314** as follows: The Senate has adopted the Free Conference Committee report on House Bill 314 and is respectfully returning it to this Honorable Body for concurrence and enrollment.

The Speaker resumed the Chair.

Senate Message

SB 5 returned with Conference Committee Report as follows:

The conference committee recommends that the House recede from amendment no. 1 to Senate Bill 5 and that the Senate concur in amendment no. 2.

Motions, Petitions and Communications

Representative Paxton filed the following Free Conference Committee Report on **HB 314:**

The Free Conference Committee on House Bill 314 recommends that the Senate recede from its amendments to House Bill 314 and that the following amendments be adopted.

(1) On page 5, line 9, by adding after "Kentucky," the following sentence: "There shall be a presumption that any medical bill submitted is reasonable."; and on line 11, by adding after the word "would" the word "probably"; and on line 15, by adding a period after the word "him" and deleting the words "or by income he would have"; and by deleting lines 16, 17 and 18 in their entirety;

(2) On page 10, deleting line 26 in its entirety, and on page 11, deleting lines 1 through 26 in their entirety, and on page 12, delete lines 1 through 21 in their entirety, and substitute in lieu thereof the following:

"(2)(a) Tort liability with respect to accidents occurring in this Commonwealth and arising from the ownership, maintenance, or use of a motor vehicle is "abolished" for damages because of bodily injury, sickness or disease to the extent the basic reparation benefits provided in this Act are payable therefor, or that would be payable but for any deductible authorized by this Act, under any insurance policy or other method of security complying with the requirements of this Act, except to the extent non-economic detriment qualifies under subsection (2)(b) hereof.

(b) In any action of tort brought against the owner, registrant, operator or occupant of a motor vehicle with respect to which security has been provided as required by this Act, or against any person or organization legally responsible for his acts or omissions, a plaintiff may recover damages in tort for pain, suffering, mental anguish and inconvenience because of bodily injury, sickness or disease arising out of the ownership, maintenance, operation or use of such motor vehicle only in the event that the benefits which are payable for such injury as "medical expense" or which would be payable but for any exclusion or deductible authorized by this Act exceed $1,000.00, or the injury or disease consists in whole or in part of permanent disfigurement, a fracture to a weight-bearing bone, a compound, comminuted, displaced or compressed fracture, loss of a body member, permanent injury within reasonable medical probability, permanent loss of bodily function or death. Any person who is entitled to receive free medical and surgical benefits shall be deemed in compliance with the requirements of this subsection upon a showing that the medical treatment received has an equivalent value of at least $1,000.00.

(c) Tort liability is not so limited for injury to a person who is not an owner, operator, maintainer or user of a motor vehicle within subsection (1) of this section."

(3) On page 13, line 8, by adding after the word "apply." the following:

"Such rejection form together with a reasonable explanation thereof shall be furnished by the reparation obligor with each policy to each prospective insurance applicant. Such rejection form shall affirmatively state in bold print that acceptance of this form of insurance denies the applicant the right to sue a negligent motorist unless certain requirements contained in the policy of insurance are met."

(4) And, on page 13, line 15, by adding after the word "act." the following:

"Provided, however, any person who, at the time of an accident, who does not have basic reparation insurance but has not formally rejected such limitations of his tort rights and liabilities and has at such time in effect security equivalent to that required by Section 11 shall be deemed to have fully rejected such limitations within meaning of this section for that accident only."

(5) On page 14, line 2, by adding after the word "act" the following: "in the manner provided in Subsections (4) and (7) of this section".

(6) On page 16, by deleting lines 1 and 2 in their entirety;

(7) On page 29, line 4, by adding a period after the word "injury" and before the word "or" and by deleting "or with knowledge that injury is substantially"; and on line 5, by deleting "certain to follow.";

(8) On page 34, line 1, by adding after line 1, the following:

"(6) An action for tort liability not abolished by Section (6) of this Act may be commenced not later than two years after the injury, or the death, or the last basic or added reparation payment made by any

reparation obligor, whichever later occurs."

(9) On page 34, line 26, by adding a period after "claim" and deleting "to the extent";

(10) On page 35, by deleting lines 1 and 2 in their entirety;

(11) On page 44, line 12, by deleting "The reduced"; on line 13, by deleting line 13 in its entirety; and on line 14, by deleting "General Assembly.", and substitute in lieu thereof the following: "Such reduced rates shall remain in effect for at least one year, and thereafter shall not be increased without the approval of the commissioner of insurance after hearings."

Representative Paxton moved that the Free Conference Committee Report on **HB 314** be adopted.

Representative Morgan moved that debate be limited to fifteen minutes on the Free Conference Committee Report.

On the roll call the vote was yeas 53-Allen, Arnold, Bennett, Beshear, Blandford, Blume, Brewer, R. Brown, Bruce, Burch, Chandler, Clapp, Clarke, Davis, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hellard, Hopkins, Isler, Kafoglis, Karem, Kidd, Louden, Mann, May, McBee, McGill, Morgan, Nett, O'Brien, Overstreet, Paxton, Quickert, Reynolds, Richardson, Robinson, Sale, Stephens, Swinford, Thomas, Troop, Vincent, Watkins, Wells, G. White, J. White, Whitfield. Nays 26-Blythe, Crupper, Dawahare, DeMarcus, Hancock, Hardin, Holbrook, Hurst, Kenton, King, Kleier, Lindsay, Little, Mason, McBrayer, Pearman, Roberts, Romines, Schmaedecke, Schmidt, Sharpe, Stone, Turner, Van Horn, Wible, Yates.

The motion that debate be limited to fifteen minutes on the Free Conference Committee Report on **HB 314** was adopted.

Representative Lindsay filed the following Minority Report on **HB 314:**

First let me point out that the amendments recommended to **HB 314** by the Majority Report are sorely needed and do substantially improve the bill. However the undersigned submits that there should have been two additonal changes made in the bill.

The first change should have been in Section 6 wherein a person seeking no-fault instead of having to reject it with the Commissioner of Insurance by filing a written rejection with that Department should have been allowed to consent to taking no-fault. This change was submitted by the undersigned in the Free Conference Committee but was rejected.

By allowing a person to affirmatively consent to no-fault the consumer would then clearly know what coverage he had and the consequence of his act. By having to affirmatively reject no-fault it is my fear that many consumers will ultimately end up with no-fault when they do not in fact want it.

The second change that should have been made in the Free Conference Committee Report on **HB 314** would have been in Section 33 which would have mandidated that the imposed rate reduction could not have been increased for a period of two years.

The purposes for this change would have meant that the rate reduction would remain in effect until July of 1977 before the insurance companies could have gotten an increase in rates. Therefore any rate increase allowed by the Commissioner of Insurance would only be in effect for 6 months before the legislature met in 1978 and could at that time reconsider this law.

The undersigned respectfully submits this Minority Report and asks for its adoption.

Representative Lindsay moved that the Minority Report be adopted as part of the Majority Report on **HB 314.**

The Speaker ruled Representative Lindsay's motion out of order.

Representative Lindsay moved that the Minority Report on **HB 314** be substituted for the Majority Report on **HB 314.**

Representative Schmaedecke appealed the ruling of the Chair on the motion that the Minority Report be adopted as part of the Majority Report on **HB 314.**

The Speaker vacates the Chair.

Representative Reynolds assumed the Chair.

On the roll call the vote was yeas 53-Arnold, Bennett, Benson, Beshear, Blandford, Blume, Bruce, Burch, Chandler, Clarke, Crupper, Davis, DeMarcus, Denham, Dietz, Donnermeyer, Dunn, Foster, Givhan, Graves, Guenthner, Hancock, Hellard, Hopkins, Hughes, Kafoglis, Karem, Kidd, Kleier, Lewis, Mann, May, McBee, McBride, McGill, Nett, O'Brien, Overstreet, Pearman, Paxton, Quickert, Reynolds, Richardson, Sale, Stephens, Swinford, Troop, Vincent, Watkins, Wells, G. White, Whitfield, Yates. Nays 21-Adams, Allen, Brewer, Freeman, Gay, Hardin, Holbrook, Isler, Kenton, King, Lindsay, Little, Mason, Rattliff, Robinson, Schmaedecke, Sharpe, Stone, Turner, Van Horn, Wible.

The ruling of the Chair that the motion that the Minority Report be adopted as part of the Majority Report on **HB 314** was out of order was upheld.

On the roll call the vote was yeas 46-Bennett, Beshear, Blandford, Blume, Blythe, Bruce, Burch, Chandler, Clarke, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hellard, Holloway, Hopkins, Hughes, Hurst, Kafoglis, Karem, Lewis, Louden, Mann, May, McBee, McBride, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Reynolds, Richardson, Sale, Swinford, Thomas, Vincent, Watkins, Wells, Whitfield. Nays 39-Adams, Allen, Benson, Brewer, R. Brown, Clapp, Crupper, Davis, Dawahare, Dietz, Freeman, Gay, Guenthner, Hardin, Holbrook, Isler, Kenton, King, Kleier, Lindsay, Little, Mason, McBrayer, McGill, Morgan, Roberts, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Stephens, Stone, Troop, Turner, Van Horn, J. White, Wible, Yates.

The motion that the Free Conference Committee Report on **HB 314** be adopted was adopted.

Representative Morgan moved that debate on **HB 314** be limited to fifteen minutes on each side of the question. Agreed.

Representative King moved that **HB 314** be laid on the table.

On the roll call the vote was yeas 38-Adams, Allen, Benson, Brewer, Clapp, Crupper, Dawahare, DeMarcus, Dietz, Freeman, Gay, Guenthner, Hardin, Holbrook, Hurst, Isler, Kenton, Kidd, King, Kleier, Lindsay, Little, McBrayer, McGill, Morgan, Roberts, Robinson, Romines, Schmaedecke, Schmidt, Sharpe, Stephens, Stone, Turner, Van Horn, J. White, Wible, Yates. Nays 45-Arnold, Bennett, Beshear, Blandford, Blume, Blythe, R. Brown, Bruce, Burch, Chandler, Clarke, Davis, Denham, Donnermeyer, Dunn, Foster, Givhan, Graves, Hancock, Hellard, Hopkins, Hughes, Kafoglis, Karem, Lewis, Mann, Mason, May, McBride, Nett, Overstreet, Pearman, Paxton, Quickert, Reynolds, Richardson, Sale, Swinford, Thomas, Troop, Vincent, Watkins, Wells, G. White, Whitfield.

The motion that **HB 314** be laid on the table was rejected.

Representative Swinford moved that **HB 314,** as amended by the Free Conference Committee Report, be placed upon its passage.

On the roll call the vote was yeas 48-Bennett, Beshear, Blandford, Blume, Blythe, Bruce, Burch, Chandler, Clarke, DeMarcus, Denham, Donnermeyer, Dunn, Foster, Freeman, Givhan, Graves, Hancock, Hellard, Holloway, Hopkins, Hughes, Kafoglis, Karem, Kenton, Lewis, Mann, May, McBrayer, McBride, Nett, O'Brien, Overstreet, Pearman, Paxton, Priddy, Quickert, Rattliff, Reynolds, Richardson, Sale, Swinford, Thomas, Vincent, Watkins, Wells, G. White, Whitfield. Nays 34-Adams, Allen, Arnold, Brewer, R. Brown, Clapp, Crupper, Davis, Dietz, Gay, Guenthner, Hardin, Holbrook, Hurst, Isler, King, Kleier, Little, Mason, McBee, McGill, Morgan, Roberts, Robinson, Romines, Schmidt, Sharpe, Stephens, Stone, Troop, Van Horn, J. White, Wible, Yates.

HB 314, as amended by the Free Conference Committee Report, was passed and the title agreed to.

Representative Swinford moved that the vote by which **HB 314,** as amended by the Free Conference Committee Report, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Recess

Representative Reynolds moved that the House recess for ten minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 173** and **HB 314** had been examined and found correctly enrolled. **SB 173** and **HB 314** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 314 delivered to the Senate, singed by President. Ordered delivered to the Governor.

Motions, Petitions and Communications (continued)

Representative Swinford moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative Swinford moved that when the House adjourns, it do so by voice vote. Agreed.

Representative Swinford moved that the following members be appointed to serve on the advisory committee as required by **SB 281:** Representatives Freeman, Reynolds, Dawahare, Paxton, and Head. Agreed.

Representative Swinford moved that the Journal of the House of Representatives for the 1974 Session be approved. Agreed.

Representative Swinford moved that the Chair appoint a Committee to inform the Senate that the House had concluded all business and to join a like Committee from the Senate to wait upon the Governor to inquire if he had further business to communicate.

The Speaker appointed the following Committee: Representatives Mann, Beshear, and Davis.

Recess

Representative Swinford moved that the House recess for ten minutes. Agreed.

At the appointed hour, the Speaker assumed the Chair and called the House to order.

Motions, Petitions and Communications (continued)

Representative Swinford moved that **SB 290** be returned to the Senate as requested. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 290** had been examined and found correctly enrolled. **SB 290** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Adjournment

The Committee from the House met with a like Committee from the Senate and reported that the Governor thanked them and stated he had no further business.

The Speaker requested that the following letter from Governor Wendell H. Ford be spread upon the Journal:

Dear Mr. Speaker:

The House of Representatives and Senate have notified me that the business of the 1974 Regular Session of the General Assembly has been concluded. I have no other message to deliver to the Legislature.

I would like to take this last opportunity, personally, to offer my congratulations to the ladies and gentlement of the General Assembly for the progessive legislation sent to my desk. I sincerely believe that, after these three months of strenuous effort, each and all of you have contributed to the betterment of the Commonwealth.

When the General Assembly meets, it is the Commonwealth, and the obligations of your office never have been better fulfilled than in these last eight years when it has been my privilege to work with you for the people of Kentucky.

Sincerely,

s/Wendell Ford
Governor

The Honorable Norbert Blume
Speaker
House of Representatives

Representative Swinford moved that the House adjourn sine die. Agreed.

The Journal of the House of Representatives was read, compared and approved. The House adjourned sine die.

APPROVED: Norbert Blume, Speaker
House of Representatives

ATTEST: Addie D. Stokley, Clerk
House of Representatives

VETO MESSAGES

(Spread Upon the Register of the Secretary of State after Sine Die Adjournment).

HB 22. By the authority granted in Section 88 of the Kentucky Constitution, I am vetoing House Bill 22 because in various instances invasion of personal and business privacy would result, and certain economic activities would be jeopardized. This bill contains no exemptions for protection of pupil school records, certain financial and tax statements required of individuals and businesses, and negotiation records necessary for economic development in Kentucky communities. It would allow any individual, regardless of motive, to inspect these and other records on file with state and local agencies or school districts not specifically closed by law, thus constituting invasion of privacy and therefore placing innocent parties in an untenable position for which there should be no reason under our democratic system of government with its emphasis on the protection of the rights of the individual.

S/Wendell H. Ford
Governor

April 2, 1974

HB 174. By the authority granted in Section 88 of the Kentucky Constitution, I am vetoing House Bill 174 because of the vagueness of criteria in the bill and because in its present form this proposal would pose grave administrative problems, particularly with respect to the Human Rights Commission and its relationship with all licensing agencies of state government.

S/Wendell H. Ford
Governor

April 2, 1974

HB 229. By the authority granted in Section 88 of the Kentucky Constitution, I am vetoing House Bill 229 because it would complicate the jurisdiction in our Inferior Courts, which jurisdiction is already complicated. House Bill 229 would grant to new Small Claims Divisions in the Quarterly Courts jurisdiction up to $200. Magistrates have jurisdiction up to $500. County Judge under existing legislation has ample authority to appoint trial commissioners for specific purposes and could establish a Small Claims Division in Quarterly Court. In addition, the people of Kentucky will vote in November, 1975 on a constitutional amendment for the establishment and administration of all courts. The necessity for this legislation in light of the pending referendum is questionable.

S/Wendell H. Ford
Governor

April 1, 1974

HB 384. By the authority granted in Section 88 of the Kentucky Constitution, I am vetoing House Bill 384 because it threatens the loss of federal funds. If planning and zoning are terminated, federal funds for flood control, sewer and water programs, and other federal programs will be lost. The bill also probably would have an adverse effect on participation of Kentucky communities in the National Flood Insurance Program and the Federal Disaster Act of 1973.

S/Wendell H. Ford
Governor

April 2, 1974

HB 450. By the authority granted in Section 88 of the Kentucky Constitution, I am vetoing House Bill 450 because the Financial Disclosure Law has only been in operation for two years and should be given a longer opportunity to prove itself. In addition, the Registry of Election Finance advises me that the deficiencies in KRS 61.740 are not cured by this bill.

S/Wendell H. Ford
Governor

April 2, 1974

HB 456. By the authority granted in Section 88 of the Kentucky Constitution, I am vetoing House Bill 456 because it is either, (a) unconstitutional, or (b) unnecessary. The General Assembly cannot delegate authority which it itself does not possess. If Sections 59, 60 and 61 of the Constitution require a local option election to effect any changes in the application of local option legislation within a county or municipality, then the bill is unconstitutional and attempts to permit local governments without a vote of the people to do what the General Assembly itself cannot do. If Sections 59, 60 and 61 of the Constitution do not require a local option election to permit Sunday sales in a wet-voted territory, then the General Assembly already has granted the fiscal courts and legislative bodies in wet territory this authority under the provisions of 1972 home rule legislation and under the provisions of Chapter 18 of the 1972 Acts which gives fiscal courts and cities exclusive power to enact ordinances or orders permitting and regulating retail sales on Sunday.

S/Wendell H. Ford
Governor

April 2, 1974

HB 570. By the authority granted in Section 88 of the Kentucky Constitution, I am vetoing House Bill 570 because the public interest is best served by continuation of the detailed advertisement of accounts of city officers.

S/Wendell H. Ford
Governor

April 2, 1974

HB 604. By the authority granted in Section 88 of the Kentucky Constitution, I am vetoing House Bill 604 because Senate Bill 112, enacted into law, makes public airport authority security officers eligible for participation in law enforcement training programs. In addition, other amendments in House Bill 604 to KRS 15.310 and 15.340 are in conflict with amendments to these sections made in Senate Bill 112.

S/Wendell H. Ford
Governor

April 1, 1974

HB 671. By the authority granted in Section 88 of the Kentucky Constitution, I am vetoing House Bill 671 because it is contrary to the provisions of Sections 143 and 160 of the Constitutions of the Commonwealth of Kentucky which provide for police courts and police judges in cities and towns.

S/Wendell H. Ford
Governor

April 1, 1974

HB 751. By the authority granted in Section 88 of the Kentucky Constitution, I am vetoing House Bill 751 because it is discriminatory regarding teachers. If this bill were allowed to become law, teachers would not receive pay or expenses for attending professional meetings which, in many cases, they are required to attend.

S/Wendell H. Ford
Governor

April 2, 1974

HB 813. By the authority granted in Section 88 of the Kentucky Constitution, I am vetoing House Bill 813 because certain provisions of the bill are contrary to the provisions of the Kentucky Constitution. The bill specifies that: "Reports filed pursuant hereto shall have the effect of law, and shall supersede any statutory provisions for payments to members of the General Assembly." This is directly contrary to Section 60 of the Constitution which reads in part: "No law, except such as relates to the sale, loan or gift of vinous, spirituous or malt liquors, bridges, turnpikes or other public roads, public buildings or improvements, fencing, running at large of stock, matters pertaining to common schools, paupers, and the regulation by counties, cities, towns or other municipalities of their local affairs, shall be enacted to take effect upon the approval of any other authority than the General Assembly, unless otherwise expressly provided in this Constitution." This provision in Section 60 is the single greatest safeguard to legislative independence, and reaches to all legislation including those matters affecting the operation of the General Assembly itself.

S/Wendell H. Ford
Governor

April 2, 1974

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HISTORY OF HOUSE BILLS

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											1105
											1300

		Intro-duced	Re-ferred	Re-ported	1st	Readings 2nd	3rd	Senate Message	En-rolled	Sub. or Amend.	Voting	Other Action
HB	68	17	22	507 964	509	597	1475	2050	2107	513 1476 1507 1508 2093	1508 2093	128 517 610 665 759 1236 1237 1337 1476 1478 1479 1519 1621 1915
HB	69	17	22									330 1621
HB	70	17	44	149	151	181	205				205	62 132 190 208
HB	71	18	44	69	70	94	200			200		62 111 138 168 186 197
HB	72	18	22	240	249	263	292	544	952	949	292 949	138 267 293 294 1915
HB	73	18	22	98	99	128	198	1625	1640	198	198	67 132 167 183 187
HB	74	18	44	1525	1525	1585	1835			1526	1836	75 1622
HB	75	18	44	101	103	128	186	656	823	814	186 814	75 138 1103
HB	76	18	44	551	551	656	757	1539	2026	552 1939	757 1940	94 218 494 607 667

HB	77	18	44	78	80	108	133	1533	2026	133 1940	133 1940	75 128 130
HB	78	18	43									
HB	79	18	44									75
HB	80	18	44	141	141	181				142		59 62 132 227 257
HB	81	18	43	347	348	474	602	1883	2050	349 2042	602 2043	62 497
HB	82	18	44									218
HB	83	18	22	824	824	1046						59 1237 1890
HB	84	18	22	826 1544	826	1046	1859	2069	2099	1544	1859	59 138 610 1079 1337 1914
HB	85	18	22	826	826	1046						59 138 610 1079 1337
HB	86	18	44	146	146	181	231				231	62 210 232 257 1103
HB	87	18	44	69	71	94	129	1111	1236	72	129	62 97 133
HB	88	18	44	149 421	149	181	602	1111	1236		602	128 190 270 497 1914
HB	89	18	44									
HB	90	18	44	78	80	108	134					75 128 134 1305
HB	91	18	43									597
HB	92	18	43	1415	1415	1504	1628	2069	2099	1416	1628	1104 1337 1524 1604 1914 2056

	Intro-duced	Re-ferred	Re-ported	1st	Readings 2nd	3rd	Senate Message	En-rolled	Sub. or Amend.	Voting	Other Action
HB 93	18	44	322	322	343	518	1539	1592		518	75 484
HB 94	18	44	1496	1496	1532	1836			1497	1836	75 524 610 1305 1622
HB 95	18	44	276 649	280	307	1052	1513	1522		1052	329 484 823 1103
HB 96	18	43	610	610	667	1588	2064	2076	614 615 1588	1588	236 544 752 805 821 940 1047 1095 1107 1296 1329 1466 1505
HB 97	18	44	353	353	474	602			353	602	203 497 606
HB 98	19	22	219	219	256	308			308		75 273 292 308 345
HB 99	19	44									
HB 100	19	44	554 1080	554	656	1477	2089	2126	556 558 1477 2110	1478 2110	133 183 493 673 759 824 950 1237 1477 1519 1621 1915 2131 2133

HB 101	19	44									183
											493
HB 102	19	44									75
											524
											1843
HB 103	19	44	336	336	368	518	1625	1640	341	518	75
											484
HB 104	19	44	193	193	203						75
											236
HB 105	19	44	146	146	181	205	480	488	146	205	132
											190
HB 106	19	44	223								207
											368
HB 107	19	22	794	794	937				794		75
											331
											953
											1305
HB 108	19	44	219	219	256	269	544	601		269	75
											213
											271
											291
											609
HB 109	19	44									75
											610
HB 110	19	43	67	67	94	134	815	823		134	67
											128
											136
HB 111	19	44									75
											97
											610
HB 112	19	43	219								62
HB 113	19	44	81	84	108	134	332	343	85	135	59
											87
											128
											134
											136
HB 114	19	44	179	179	196	265				265	59
											236
HB 115	19	44	472	472	488	603			472	603	59
											497
											606
HB 116	19	22									75
HB 117	19	44	219	221	256	269	656	666		269	75
											263
											271
											291
HB 118	19	44									

	Intro-duced	Re-ferred	Re-ported	1st	Readings 2nd	3rd	Senate Message	En-rolled	Sub. or Amend.	Voting	Other Action
HB 119	19	44	78	81	108	135	1049	1057		135	75 128 136 1079
HB 120	19	44									75 610
HB 121	19	22	554	558	656	805	1829	2026	563 1938	805 1938	29 752 1103 2131 2133
HB 122	19	44									75 610
HB 123	19	43	219								62
HB 124	19	43	67	67	94	130	307	309		130	62 87 97 109 130 133 332 343
HB 125	19	22	524	525	597	940	2050	2080	533 940 2066	941 2067	75 257 752 759 805 821 940 1103 1519 2089
HB 126	20	44	377	377	488	656 753	2064	2126	378 656 2091 2123	659 754	75 497 603 606 665 668 752 753 2091
HB 127	20	43									1305

HB 128	20	43	311	311	343	669			669	670	218 484 519 600 656 665
HB 129	20	43									
HB 130	20	43									97
HB 131	20	43									
HB 132	20	44	377	378	488	603	1832	1837		603	75 497
HB 133	20	44	432	432	488				433		75 545
HB 134	20	44									75 208
HB 135	20	44	193	193	203	231	480	488		231	75 210 212 257
HB 136	20	44	676 1323	676	752	1636	2069	2076	677	1636	59 953 1305 1544 2089
HB 137	20	44	81	85	108	184 199	480	488	184 190	199	59 87 132 135 167 168 184 187
HB 138	20	44	789	789	937	1097		1883		1097	330 953 1103 1916
HB 139	20	44									59 674
HB 140	20	44									
HB 141	20	44									
HB 142	20	44									130
HB 143	20	44	1721	1721	1827	1877			1722	1877	59 1853
HB 144	20	44									
HB 145	20	44	179	180	196	213	815	823	213	214	67 201 203 257

	Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	En-rolled	Sub. or Amend.	Voting	Other Action
HB 146	20	43									60
HB 147	20	44									75
											152
HB 148	20	44	78	78	108	186	1049	1057		186	75
											138
											1079
HB 149	20	44	363	363	474	661	1625	1640	363	661	75
											544
											665
HB 150	20	44									132
											202
											207
HB 151	20	44	336	342	368	519	1625	1640		519	75
											484
HB 152	20	44									
HB 153	21	61									
HB 154	21	44									62
HB 155	21	43									62
HB 156	21	43									
HB 157	21	43									196
											197
											202
											950
											1305
HB 158	21	44									
HB 159	21	43	139	139	181	212	815	823		212	67
											190
											205
HB 160	21	44									171
HB 161	21	44									
HB 162	21	43									
HB 163	21	44									
HB 164	21	43	141	143	181	205	497	762	205	206	63
									759	759	93
											109
											128
											130
											133
											190
											197
											201
											664
											762
											1915

HB 165	21	44	790								330
HB 166	21	22	610	616	667	1296			1296		607
											752
											805
											940
											1047
											1095
											1107
											1297
HB 167	21	22	432	433	488	754	1328	1339		754	37
											544
											662
											670
HB 168	21	22	554	564	656	806	2069	2134	564	806	29
									2106		752
											1103
											2106
											2132
HB 169	21	22	554	565	656	806	1504	1513		806	29
											752
											1103
HB 170	21	22	832	832	1046	1297	1876	1916	832	1297	29
											1079
											1107
HB 171	21	22	32	32	55	63	815	823		63	29
											58
HB 172	21	44									97
											610
HB 173	21	44	146	147	181	206	1328	1837	149	206	97
		1339	1562						1828	1828	132
											190
											207
HB 174	21	43	141	143	181	258	2050	2107	258	258	62
									2092	2093	190
											201
											206
											212
											229
											258
											260
											2130
HB 175	21	44									59
HB 176	21	22	832	833	1046	1298	2089	2126	838	1298	29
									2111	2111	1079
											1107
HB 177	21	44									59
											1337

	Intro-duced	Re-ferred	Re-ported	1st	Readings 2nd	3rd	Senate Message	En-rolled	Sub. or Amend.	Voting	Other Action
HB 178	22	44									218
HB 179	22	44	250	254	263				255		75
											273
HB 180	22	43	240	250	263	1108			250	1108	67
			817						817		267
											484
											544
											1079
											1107
											1521
HB 181	22	44	105	106	128						59
											132
											167
											181
											1890
HB 182	22	43									57
											60
HB 183	22	44	105	107	128	167	815	823		167	59
											132
HB 184	29	30	31	31	55	63	203	263	32	64	30
									63		57
									64		58
									259		60
											64
											260
											545
HB 185	31	43									62
HB 186	31	44	1754	1754	1856	1934			1754	1934	482
											1915
HB 187	31	44									37
											60
											62
											97
											610
HB 188	40	44									
HB 189	40	44									97
											1843
HB 190	40	44	817	817	937	1509	2089	2099	819	1510	62
									1509		97
											1103
											1104
											1237
											1509
											1519

HB 191	40	44									97
											1843
HB 192	43	58									196
HB 193	43	58	773								132
HB 194	43	58									171
HB 195	43	58									
HB 196	43	58									196
HB 197	43	58	1314	1314	1328						171
											1481
											2048
HB 198	43	58									97
											610
HB 199	43	58									171
HB 200	43	58	773								132
HB 201	43	58	773	773	937				773		171
											196
											953
HB 202	43	58									
HB 203	43	58	171	173	196	214	480	488	173	214	76
											203
HB 204	43	58	99	100	128	199	753	823	199	200	62
									814	814	130
											132
											167
											184
											1103
HB 205	43	58	99	100	128	186	815	823	186	186	62
											135
											138
											1915
HB 206	58	61	240								97
HB 207	58	61	240	250	263						218
											273
											296
HB 208	58	61	646								75
HB 209	58	61									
HB 210	61	67	507	507	597	755				755	330
											610
HB 211	61	66									
HB 212	61	67	250	255	263	805				805	197
			432								207
											329
											610
											755
											1103

	Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	En-rolled	Sub. or Amend.	Voting	Other Action
HB 213	61	67	194	194	203						97 263 269 291 2133
HB 214	61	67									207
HB 215	61	67	646								
HB 216	61	67	105	107	128	185	668	823	185 813	185 813	75 132 135 167 185 673 1103
HB 217	61	67	304	304	330	366	1625	2026	366 1941	367 1941	75 188 216 307 336 367
HB 218	66	78									
HB 219	66	78									
HB 220	66	78	832	843	1046	1510			1510	1511	760 1104 1237 1511 1914 2133
HB 221	66	78	1710	1710	1827				1711		171 2049
HB 222	66	78	139	140	181	207			140	207	94 190 208
HB 223	66	78	1422	1422	1504	1837	2069	2076	1424	1837	309 1622 2089
HB 224	66	78									
HB 225	66	78									
HB 226	66	78									97 1843

HB 227	66	78	194	194	203						97 236 265 269 291 484 610 1521 1843 2084
HB 228	66	78									203
HB 229	66	78	236	237	263	308	1539	2026	240 1939	308 1939	97 264 273 307 1938 2131
HB 230	75	78									309
HB 231	75	78	226	226	256						94 168 273 1305 1337
HB 232	75	78	1115	1115	1294	1591	2050	2107	1174 1591 2100	1591 2102	97 1103 1104 1236 1339 1515 1533 1590 1621 2131 2133
HB 233	75	78	620	620	667	806	2050	2057	620	806	267 752 1103
HB 234	77	97									171 343
HB 235	77	97	1314	1314	1328						1079 1544 2133
HB 236	77	97	190	190	203				191		168 210 368 1843 2133

	Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	En-rolled	Sub. or Amend.	Voting	Other Action
HB 237	77	97	221 499	222	256	1047				1047	171 263 801 943 1103
HB 238	77	97	646	646	667	807	1513	1522	647	807	207 752 1103
HB 239	77	97									
HB 240	77	97	353	354	474	603	1504	2050	2036	603 2036	171 497 1915
HB 241	77	96									
HB 242	78	97									
HB 243	78	97	646								207
HB 244	78	97	146	149	181	212			212	212	132 190 201 207
HB 245	78	97	1779	1779	1856				1779		168 1915 1930
HB 246	78	97									168 610
HB 247	93	96	274	274	307	475				475	270 336 367 489
HB 248	93	96	192	192	203	231	332	343		231	138 210 257
HB 249	93	96	240	251	263	293	938	1623	1057 1058	293 1614	138 267 291 1295
HB 250	93	97	472	473	488	604	1832	1837		604	128 168 497
HB 251	94	96	421	421	488	604	1111	1236	604	605	132 497 517 524

HB 252	94	96	421	424	488	657	1829	1837	657	657	132 497 605 606
HB 253	96	128	831	831	1046	1298	2069	2076		1298	760 1079 1107 2089
HB 254	96	128									309
HB 255	96	128									1914
HB 256	96	128	1721	1723	1827	1878				1878	610 1853
HB 257	96	128									307
HB 258	96	128									
HB 259	96	127	620 1460	643	667	1832			644 1460 1832	1832	257 544 802 1337 1544 1636 1736
HB 260	96	128									
HB 261	96	128									
HB 262	96	128	221 499	222	256	1048				1048	171 232 263 801 943 1103
HB 263	96	128	1238	1238	1328	1628			1628	1628	171 1337 1524 1604 1914
HB 264	96	128	440	440	488						207 270 368 497
HB 265	96	128									
HB 266	96	127									1305
HB 267	96	128									1079
HB 268	96	127	421	425	488	662	1857	1883		662	270 544 1916
HB 269	96	128									171
HB 270	96	127									183
HB 271	127	131	497	498	597	943	1504	1513	498	943	171 801 1915

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Sub. or Amend.	Voting	Other Action
HB 272	127	131	832	844	1046						273 1104 1237
HB 273	127	131									
HB 274	127	131									
HB 275	127	131	171	173	196	214	480	488	174	214	168
HB 276	130	131	336	342	368	490			490	490	203 168 197 343 372 475
HB 277	131	137	790								1103
HB 278	131	137									330
HB 279	131	137									330
HB 280	131	137									171
HB 281	131	137									484
HB 282	131	137									1104
HB 283	131	137									219
HB 284	131	137									
HB 285	131	137									219
HB 286	131	137	274								610
HB 287	136	171									236
HB 288	168	170	964	970	1094	1300	1507	1513	998 1300 1301 1302 1303	1304	188 618 750 1104 1105 1236 1302 1521 1681
HB 289	136	170	516	516	597						2133 309 610 755 805 938
HB 290	136	170	382	382	488						1059 347 497 1616

HB 291	136	170	1318	1318	1465						347 1481 1521 1616 2048
HB 292	136	170									
HB 293	137	171									219 1843
HB 294	137	170	964	1026	1094				1028		270 1237
HB 295	137	170									
HB 296	137	171									
HB 297	137	171									
HB 298	137	171									
HB 299	137	171	1762	1762	1856				1767		152 219 2049
HB 300	137	171									
HB 301	137	171	439	440	488	657				657	219 497 605
HB 302	168	171									188 198
HB 303	168	171	322	322	343						219
HB 304	168	170	311	314	343	1295	2069	2126	1295 2106	1295 2106	272 347 368 478 483 484 490 517 599 656 669 754 804 938 1047 1095 1106
HB 305	170	189	421	425	488	757	1857	1883	757	758	368 606 667 1916

	Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	En-rolled	Sub. or Amend.	Voting	Other Action
HB 306	170	190	281	289	307	476				476	270 336 367 489
HB 307	170	189									212 489
HB 308	170	190									261
HB 309	170	189	304	304	330	476	1328	1592	1585	476 1586	228 261 336 367
HB 310	170	189	499	499	597	755				755	309 610
HB 311	170	189									272 307
HB 312	170	190									
HB 313	170	190	322	322	343	599			599	599	219 372 490 518 524 606 664 665
HB 314	170	189	620	620	667	1329	2023	2138	631 1330 1536 1537 1538 2062	1539 2137	482 953 1077 1097 1107 1235 1297 1316 1332 1479 1521 1532 1534 1535 2064 2099 2120 2121 2134 2136 2137
HB 315	170	190									

HB 316	170	190	281	289	307	478	1111	1236	478	478	270 347 367 1915
HB 317	170	190									219 610
HB 318	188	190									210
HB 319	188	189	937	937	1046	1514	1883	1928	937	1514	372 2026
HB 320	188	190	649 1305	649	667	1592			650 1593	1593	219 801 944 1104 1339 1479 1515 1593
HB 321	188										218
HB 322	188	190	322	323	343						219 372
HB 323	188	189									309
HB 324	188	189									
HB 325	189	203									219 610
HB 326	189	203									1113
HB 327	189	203	273	273	307	343	1078	1097		344	210 291 329 367
HB 328	189	203	1780	1780	1856				1781		1623 1915 1930 1940
HB 329	197	203	1238	1239	1328				1240		210 1340 1616
HB 330	197	203	322	323	343	478 756	1625	2026	517 756 1942	478 757 1942	219 347 478 479 483 489 490 517 518 665 667 2131

	Intro-duced	Re-ferred	Re-ported	1st	Readings 2nd	3rd	Senate Message	En-rolled	Sub. or Amend.	Voting	Other Action
HB 331	197	203	298	298	330	479	1539	1592		479	218 264 347
HB 332	203	210	484	484	517	807				807	219 752
HB 333	203	210	322	323	343	600	1829	2050	329 2038	600 2039	219 484 519
HB 334	203	210									1542
HB 335	204	210									204 267
HB 336	207	210									216 264
HB 337	209	218									273
HB 338	209	218	773								267
HB 339	209	218									267
HB 340	209	218	320	320	343				320		218 484
HB 341	209	218	1029	1029	1094	1333	1832	1837		1333	544 1105 1521
HB 342	209	218									272
HB 343	209	218	374	374	488	755	1625	1640	377	755	267 610
HB 344	209	218	773								267
HB 345	209	218									1113
HB 346	209	218									267
HB 347	209	218	274						274		1305 1890
HB 348	209	218	1291	1291	1328	1515	2029	2040	1292	1515	308 610 1339
HB 349	210	218									296 544
HB 350	215	218									
HB 351	215	218									
HB 352	215	218									272 823
HB 353	215	218	1041	1041	1094	1511			1042	1511	272 1237
HB 354	215	218	377	380	488	658	1513	1522		658	309 497 605

HB 355	215	218									272
HB 356	215	218	311	315	343	490	1049	1057	490	490	294 272 334 372 1079
HB 357	215	218									272 610 1521 1843
HB 358	215	218									
HB 359	215	218	311	317	343	479	1832	1837		479	272 347
HB 360	215	218									
HB 361	216	235	551 460	552	656	1636	2089	2099		1636	335 824 1337 1544
HB 362	216	235	273	273	307	476	1513	1522	274	476	267 367 1103
HB 363	216	235									267
HB 364	216	235									
HB 365	216	235	298	300	330	479	753	759		480	270 347 762
HB 366	217	235	1067								273
HB 367	217	235	439	440	488	658	1513	1522		658	272 497 605 662
HB 368	217	235	680	680	752	944 1100	2069	2126	713 944 1100 1101 2110	945 1102 2100	272 801 945 948 1077 1094 1101 1102 1519 2130
HB 369	217	235	472	473	488	658	2050	2107	2097	658 2098	273 497 605
HB 370	217	235	1780	1798	1856	1936			1799	1936	1623 1915 1934
HB 371	217	235									267

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Sub. or Amend.	Voting	Other Action
HB 372	217	235	347	349	474	670	1539	2026	353 670 1942	670 1942	296 367 497 605 659 665 2131
HB 373	217	235	773								
HB 374	217	235	1568	1574	1736				1577		272 610 1305 1853
HB 375	217	235	432	433	488						296 610
HB 376	217	235	361	361	474	519	1539	2026	1943	520 1943	311 484 519 2131
HB 377	217	235	361	362	474	520	1513	1522		520	311 484
HB 378	217	235	1041 1340	1042	1094	1636	2029	2050	1340	1637	272 1105 1305 1544
HB 379	217	235	680	714	752	946 1048	1832	1837	714 1048	1049	272 802 821 946 950 1103
HB 380	217	235									
HB 381	217	235									273
HB 382	217	235									311 1294
HB 383	217	235									272 610
HB 384	217	235	297	297	330	491	1829	2026	297 491 1941	491 1941	267 367 372 1940
HB 385	217	235	353	354	474	520	1504	1513		520	267 484

HB 386	218	235	484	484	517	1106 1586			1106		272 524 544 606 662 670 754 804 938 1047 1095 1106 1107 1296 1329 1466 1505 1587
HB 387	218	235	1803	1803	1856				1807		817 2049
HB 388	218	235	297	297	330	477	1829	2050	477 2039	477 2040	267 336 367 368 489
HB 389	218	235	311	317	343	521	2041	2069	521 2059	521 2059	272 334 484
HB 390	218	235 1339	432 1771	434	488	659	1328	2050	2033	659 2034	296 497 605
HB 391	218	235	432	435	488	659	1829	2050	435 659 2040	660 2040	296 368 497 524
HB 392	218	235	1243	1243	1328	1515	2029	2040		1515	605 309
HB 393	218	235	554	565	656	807	1883	2050	2044	809 2044	1339 273 752 808
HB 394	232	235									1103 272
HB 395	232	235	545	545	656	946	1625	1640		946	610 497
HB 396	232	235									801

	Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	En-rolled	Sub. or Amend.	Voting	Other Action
HB 397	232	235	551	552	656	1329					335 823 1052 1096 1107 1297 1329 1466 1505 1521 1588 1626 1829
HB 398	232	235	680	716	752	1049	2089	2099		1049	272 802 946
HB 399	232	235	773	774	937	1298				1298	267 311 1079 1519
HB 400	233	235	1449	1451	1504	1637			1451	1637	311 1544 1914
HB 401	233	235	646 1038	1038	1094	1333				1333	296 938 950 1105 1521
HB 402	234	263									311 674
HB 403	234	263	1280	1280	1328	1516	2069	2080		1516	368 1339 2089
HB 404	234	263	484	487	517	662	1832	1837	487	662	272 544 665
HB 405	234	263									272 610
HB 406	234	263									273
HB 407	234	263	432	435	488	756	1539	1592	435	756	296 610
HB 408	234	263	773	775	937	1097			1097	1098	610 949 953 1103

HB 409	234	262									335
HB 410	234	262	377	380	488						309
											497
HB 411	234	263									1305
											294
HB 412	234	262									607
HB 413	234	263	353	359	474	521				521	257
											311
HB 414	234	263	826	827	1046	1107	2029	2054	827	1107	484
											610
											1079
											1519
											1521
HB 415	235	263									
HB 416	235	262									
HB 417	235	263	1721	1723	1827						610
											1852
											1853
HB 418	235	262									335
HB 419	235	262	1545	1545	1736	1886				1886	1305
											1853
											1915
HB 420	235	263	440	441	488	660				660	368
											497
											605
HB 421	235	263	432	438	488	663				663	296
											544
											1103
HB 422	235	263	432	438	488	663	1328	1339		663	296
											544
HB 423	235	263									294
											607
HB 424	260	263									272
											1843
HB 425	260	263									273
HB 426	260	263	1080	1080	1106	1590	2089	2126	2112	1590	272
										2112	668
											669
											1059
											1237
											1337
											1479
											1511
											1540
											2133

	Intro-duced	Re-ferred	Re-ported	1st	Readings 2nd	3rd	Senate Message	En-rolled	Sub. or Amend.	Voting	Other Action
HB 427	260	263	773	776	937				776		311 953 1337
HB 428	260	263									
HB 429	260	262	377	381	488	661	1876	1916		661	309 497 605
HB 430	260	262	1318	1319	1465	1598	2089	2099		1598	760 1481
HB 431	261	262									
HB 432	261	263	680	719	752						272 802
HB 433	261	262									331
HB 434	261	263									272
HB 435	261	263									264 311
HB 436	261	262	1545	1545	1736	1859	2064	2126	2109	1859 2110	1059 1737 1915 2130 2131 2133
HB 437	261	263									610
HB 438	262	267	1321	1321	1465	1598	2064	2076	1323	1598	607 1481 2089
HB 439	262	267	680	720	752	1052	2029	2040		1052	272 823
HB 440	262	267									272 610
HB 441	262	267	610	616	667	1107			617	1107	544 1098 1519 1521
HB 442	262	267									664
HB 443	262	272	826	827	1046	1108	2069	2099	1108	1108	610 1077 1079 1519 1521
HB 444	262	267	645	645	667	940	1625	1640	940	942	294 493 752 809 821

HB 445	262	267	794	794	937	1098				1098	309 953
HB 446	265	267									1103
HB 447	265	267	651 1465	652	667	1637	2064	2076	652	1637	1305 607 802 1059 1544 2089
HB 448	266	272									
HB 449	266	272									
HB 450	266	272	789	790	937	1099	1625	1640		1099	752 953 1103
HB 451	266	272									437
HB 452	267	272									
HB 453	267	272									
HB 454	267	272	1496	1497	1532	1857			1500 1857	1857	437 610 1521 1622 1837 1914 1915
HB 455	267	272	377	380	488	661	1836	2050	2041	661 2041	309 489 497
HB 456	267	272	674	674	752	1096	1869	1916	675 1883	1096	605 497 823 1052 1103
HB 457	270	272	1041	1043	1094	1467					1883 610 1105 1333
HB 458	270	272	1568	1569	1736	1877	2069	2076		1877	1467 296 610 1525 1853
HB 459	270	272	1384	1384	1504	1629	2089	2126	1384 1629 1630 2112	1630 2113	1875 1305 1524 1604 1621
HB 460	270	272	794	795	937	1098	1876	1916	796	1098	1914 309 953 1103

	Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	En-rolled	Sub. or Amend.	Voting	Other Action
HB 461	270	272									817
HB 462	270	272	610	617	667	809	2041	2050		809	1890 544 752 1103
HB 463	270	272									
HB 464	270	272									
HB 465	270	272	1780	1800	1856				1800		823 1318 1623
HB 466	270	272									1916
HB 467	271	296	318	318	343	803	2050	2054	803 804	804	437 296 484 522 802 1103 1914 2133
HB 468	271	296									482
HB 469	271	296	1721	1724	1827	1885	2072	2080	1885	1885	610 1852 1853 2089
HB 470	271	296									
HB 471	272	296	651	653	667	1052	1539	1592		1052	482 823
HB 472	272	296	1545	1546	1736	1932				1933	949 482 489
HB 473	272	296	1083	1083	1106				1083		1916 1059 1339
HB 474	272	296									311
HB 475	272	296									
HB 476	272	296	645	645	667						372 752 809 942 1047 1077 1095 1103 1107 1297

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	Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	En-rolled	Sub. or Amend.	Voting	Other Action
HB 488	295	311									
HB 489	295	311	651	653	667	1096	1876	1916		1096	597 801 946 1049
HB 490	295	311	964	964	1094	1334	1883	1928		1334	597 1105 1521 2026
HB 491	295	311	832	844	1046	1109	1883	1928	850	1109	307 347 1079 1519 1521 2026 2127
HB 492	295	311	1449	1451	1504	1638				1638	610 1544 2133
HB 493	295	311	832	850	1046	1332	1883	1928	857 1466	1466	347 1079 1109 1235 1299 1332 1337 2026
HB 494	295	311									760 1890
HB 495	295	311	507 1503	508	597	1638			508 1503 1638		484 610 950 1544 1621 1639
HB 496	296	311	826	827	1046	1466				1466	610 1079 1109 1299 1332
HB 497	296	311	964	965	1094	1335	2050	2054		1335	597 1105 1521
HB 498	296	311									489
HB 499	296	311									

HB 500	296	311	773								311
HB 501	296	311	1059	1060	1094	1335	2029	2040		1335	368
											1105
											1521
HB 502	309	311	1495	1495	1532	1639			1495	1639	752
											1544
HB 503	310	335	545	547	656	1049	1625	2026	547	1050	497
			676						676	1941	665
									1050		801
									1941		946
HB 504	310	335									
HB 505	310	335									
HB 506	310	335	1460	1461	1504	1604	2072	2080	1462	1604	368
											544
											1524
											2089
HB 507	310	335	1496	1501	1532	1837	2072	2080		1837	544
											1622
											2089
HB 508	310	335	507	509	597	756	2029	2040		756	484
											610
HB 509	310	335									
HB 510	310	335	646	647	667						544
											802
											823
											1524
											1621
HB 511	310	335	1080	1080	1106	1630			1630	1630	823
											1524
											1604
											1621
											1914
HB 512	334	335									610
HB 513	334	335									347
HB 514	334	335	440	468	488	663	1513	1522	470	663	368
											544
											665
HB 515	335	347	1115	1233	1294	1516	2072	2080	1234	1516	802
											1339
											2089
HB 516	335	347	1314	1315	1328						610
											1481
											1843
HB 517	335	347	651	654	667	810	2050	2107	655	810	494
									2095	2097	752
											1103
											2131

	Intro-duced	Re-ferred	Re-ported	1st	Readings 2nd	3rd	Senate Message	En-rolled	Sub. or Amend.	Voting	Other Action
HB 518	345	347	826	829	1046						610 1105 1521 1843
HB 519	345	347									610 1843
HB 520	346	347	499	499	597	758	1836	2050	2041	758 2042	368 667 758
HB 521	346	372	678	678	752	946				946	484 489 801 1103
HB 522	346	371									
HB 523	346	372	646								544
HB 524	346	372	646	647	667						544 953
HB 525	346	372									610
HB 526	346	372	1721	1725	1827	1878	2069	2099	1726	1878	610 952 1853
HB 527	347	372	1280	1286	1328	1917				1917	484 664 1524 1604 1630 1736 1830 1857
HB 528	347	372	1321	1323	1465	1599	2069	2099	1323	1599	524 1481
HB 529	347	372	1041	1043	1094	1468	1829	1837	1468	1468	517 802 1105 1236 1335
HB 530	347	372	1323	1324	1465	1599	2029	2040		1599	1113 1305 1481 1519
HB 531	347	372									
HB 532	368	372									610 1843

HB 533	369	372	1080	1080	1106						952 1525 1616 1621
HB 534	369	372	646								544
HB 535	369	372	1280	1287	1328	1604	2069	2126	1287 1605 2107	1605 2107	484 664 1524 1543
HB 536	369	371									752
HB 537	369	371	790	790	937	1626					497 1079 1109 1299 1332 1467 1505 1539 1590 1626 1914
HB 538	369	371	1238	1241	1328	1516	2050	2134	2094	1516 2133	610 1339 1519 2095 2116 2121 2132 2133
HB 539	369	372	1449	1449	1504	1605			1605	1606	610 1479 1524 1543
HB 540	369	371									667
HB 541	369	371	794	796	937	1109			796	1109	667 1079 1521
HB 542	369	371									664
HB 543	370	496									802 1843
HB 544	370	496	678	679	752	946	1857	2050	2043	947 2044	664 665 801 1103
HB 545	370	496	1482	1482	1532	1639	2064	2076	1484 1639	1639	950 1521 1544 2089

	Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	En-rolled	Sub. or Amend.	Voting	Other Action
HB 546	370	496	1080	1080	1106	1626	2041	2050		1627	610 1237 1511 1540 1590 1914
HB 547	370	496									544
HB 548	370	496	1762	1770	1856	1921			1770	1921	610 1590 1915
HB 549	370	496									664
HB 550	370	496									664
HB 551	370	496									544
HB 552	370	496	832	857	1046	1511	2069	2076		1512	489 760 1237 1519 1914 2089
HB 553	370	496	1890								
HB 554	370	496									802 1843
HB 555	370	496	651	655	667	810	1836	1837		810	597 752 1103 1318 1525 2056
HB 556	370	496									
HB 557	371	496	1458	1459	1504	1630				1631	544 1524 1914 2133
HB 558	371	496	1323	1324	1465	1599	2029	2040		1599	817 1481
HB 559	371	496									
HB 560	371	496	1067	1067	1094	1469	2041	2050		1469	817 1105 1335
HB 561	371	496									610
HB 562	371	496									823 1623
HB 563	371	496									544
HB 564	371	496	1460	1463	1504	1832				1832	1305 1544

HB 565	371	496	1422	1429	1504	1606	2029	2040		1606	667 1524 1479
HB 566	371	496									
HB 567	371	496	794	796	937	1099	2041	2069	2059	1099 2060	667 953 1103 2131
HB 568	371	496									1305
HB 569	371	496	1306								760 1828
HB 570	482	496	794	801	927	1469	2029	2040		1469	667 1105 1335
HB 571	482	496	620	644	667	810	1829	2026	1943	810 1946	544 752 1103 1491
HB 572	482	496									
HB 573	483	496	1422	1429	1504	1631	2029	2050	1631	1631	667 1524 1606 1621 1914
HB 574	483	496	1641	1641	1827	1887	2069	2076		1888	1337 1853 1914 2089 2133
HB 575	484	496	646								544
HB 576	484	496	1038	1039	1094	1506				1506	823 1105 1335 1469 1519 1543
HB 577	493	496									815
HB 578	493	496									544 949
HB 579	493	496	773	776	937	1469	2050	2107	785 1470 2094	1470 2094	610 1105 1235 1335 1519 2133
HB 580	493	496	1038	1040	1094						544 1105

	Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	En-rolled	Sub. or Amend.	Voting	Other Action
HB 581	493	496	832	859	1046	1470	2050	2107	878 2102	1470 2103	517 817 1105 1335 2130 2133
HB 582	493	496									517
HB 583	493	496	1323	1325	1465	1600				1600	817 1481 1519 2133
HB 584	495	544	1661	1669	1827	1878				1878	761 1853
HB 585	495	544									938 950 1843
HB 586	495	544	831	831	1046						760 1079 1106
HB 587	495	544	1106	1106	1294						802 1525
HB 588	495	544	826	830	1046	1512	2029	2050	1512	1512	802 1237 1479 1519 1521 1525
HB 589	495	544	1041	1046	1094	1517	2069	2076		1517	802 1339 2089
HB 590	495	544	1041	1046	1094	1517			1517	1517	802 1337 1339
HB 591	495	544									823
HB 592	495	544									607
HB 593	495	544	646	647	667	1053	1625	1640		1053	823
HB 594	495	544	1526	1527	1585						1059 1622 1837 1864 1918 2024

HB 595	544	1038	1040	1094	1471				1471	1471	607 1105 1335 1337
HB 596	495	544									610
HB 597	495	544									610
HB 598	495	544									
HB 599	495	544	1812	1812	1856	1930				1930	1305 1915
HB 600	495	544	1059	1060	1094	1335	2105	2126	1335 2116	1336 2120	667 1105 1235 1236 1521
HB 601	495	544	1059 1544	1065	1094	1859			1859	1860	667 1339 1541 1621 1737 1914 1915
HB 602	495	544									1113 1305
HB 603	495	544	832	878	1046	1109	2029	2040		1110	817 1079 1519 1521
HB 604	495	544	1735	1735	1827	1879	2089	2099		1879	1479 1853
HB 605	495	544	1243	1245	1328	1829					667 1339 1517 1595 1627 1829
HB 606	495	544	1550	1550	1736	2026				2027	667 2048
HB 607	495	544	1691	1691	1827	1879	2069	2076		1879	1059 1853 2089
HB 608	496	544	826	830	1046	1110				1110	802 1079 1519 1521
HB 609	496	544									
HB 610	496	544	1748	1748	1856	1934				1934	1623 1915
HB 611	496	544									610

	Intro-duced	Re-ferred	Re-ported	1st	Readings 2nd	3rd	Senate Message	En-rolled	Sub. or Amend.	Voting	Other Action
HB 612	496	544	1748	1752	1856						1623 1915 1935 2024
HB 613	496	544	646	648	667	1053	1539	1592		1053	607 761 823
HB 614	496	544	1083	1084	1106						760 1481
HB 615	496	544	1314	1315	1328				1346		610 1481
HB 616	524	544	1496	1502	1532	1833					1544 1914
HB 617	524	544									1305
HB 618	524	544	762	762	937	1100	1513	1522		1100	760 953
HB 619	524	544									674
HB 620	524	544									665
HB 621	524	544									1079 1890
HB 622	543	610	1083	1088	1106	1512				1512	760 1237
HB 623	543	609									1079 1890
HB 624	543	610	762	763	937						760 953
HB 625	543	609	773	786	937						752 953 1519 1521 1616
HB 626	543	609									
HB 627	543	609	1059	1065	1094	1471	2064	2099	2091	1472 2091	750 1105
HB 628	543	609	1899	1899	1916						2049
HB 629	543	610									950
HB 630	543	609									1305
HB 631	543	610									
HB 632	606	610	762	763	937						760 1079
HB 633	606	609	1422	1430	1504	1607	2029	2040		1607	817 1524
HB 634	606	609	1340	1340	1504	1607	2029	2050	1340	1607	1059 1524

HB 635	606	609	1422	1430	1504	1607	2029	2040		1607	817 1524
HB 636	606	609	1422	1430	1504	1608	2029	2040		1608	817 1524
HB 637	606	609	1542	1542	1585	1837	2069	2076		1838	1079 1622 2089
HB 638	607	609	1341	1341	1504						1113 1318 1524
HB 639	607	610	762	768	937	1110			773 1110	1111	760 1077 1079 1110 1519 1521 2133
HB 640	607	609	773	788	937	1588	1539 2089	2099	1588	1589	752 760 821 953 1100 1107 1297 1332 1337 1466 1479 1505 1534 1586 1589 1914 2130 2133
HB 641	607	610	762	763	937	1299	1876	1916	1299	1299	760 953 1100 1104 1235 1236
HB 642	609	667									
HB 643	609	666									
HB 644	609	667									1104 1543
HB 645	609	667	1291								1104
HB 646	609	666									752
HB 647	609	667	1738	1638	1856	1931				1931	802 1915

	Intro-duced	Re-ferred	Re-ported	1st	Readings 2nd	3rd	Senate Message	En-rolled	Sub. or Amend.	Voting	Other Action
HB 648	664	666	1029	1036	1094						802 1235 1237 1513 1627 1829
HB 649	664	666	1823	1823	1856						802 1915 1931
HB 650	664	667	832	879	1046	1111	1829	2050	2036	1111 2037	817 1079 1519 1521
HB 651	664	667	1323	1326	1465	1600	2029	2040		1600	950 1481
HB 652	666	762	1449	1452	1504	1608	2072	2080		1608	952 1524 2089
HB 653	666	762									952
HB 654	673	762									950
HB 655	673	760	959	959	1094	1539	2089	2126	960 1539 2113	1540 2114	823 1105 1235 1236 1472 1506 2133
HB 656	674	762									
HB 657	674	762	1721	1726	1827	1879	2089	2126	2114	1879 2114	952 1853 1914 1915
HB 658	751	762	1568	1569	1736				1572		1294 1736 1737 1858 1918 2024 2051 2057
HB 659	751	762	1813	1819	1856				1823		1113 1915 1931 2024 2051 2057

HB 660	751	762									
HB 661	751	762	1568	1572	1736						823
											2049
HB 662	752	760	964	969	1094	1472	1625	1640		1472	761
											1105
HB 663	752	762									1305
											1890
HB 664	752	762	1083	1089	1106						1059
											1525
											1641
HB 665	759	762	1243	1245	1328	1600	2041	2069	2060	1600	950
										2060	1481
HB 666	760	762									1079
											1519
HB 667	760	762									823
HB 668	760	762	1416	1417	1504	1608			1417	1608	1318
											1524
											1609
HB 669	760	762	1580	1580	1736	1860				1860	1337
											1737
											1914
HB 670	760	762	1318	1320	1465						1079
											1481
											1533
											1616
											1890
HB 671	760	762	1243	1245	1328	1518	2089	2126		1518	1059
											1339
											1519
HB 672	760	762	1083	1090	1106	1590				1590	1059
											1237
											1513
											1591
HB 673	760	762	1748	1752	1856	1922			1753	1922	1623
											1916
											2133
HB 674	760	762	1550	1550	1736	1860				1860	1059
											1737
											1914
HB 675	760	762	1422	1431	1504	1609	2029	2040	1436	1609	1059
											1524
											1615
HB 676	761	823									1079
HB 677	762	823	1545	1547	1636	1875				1875	1479
											1853
											1914
HB 678	762	823									1113
HB 679	762	823	1243	1277	1328	1595	2064	2069		1595	1059
											1339
											1518

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Sub. or Amend.	Voting	Other Action
HB 680	762	823						1104			
HB 681	762	823	1550	1551	1736						1059 1853
HB 682	762	823	1323	1327	1465	1601	2029	2040		1601	950 1481
HB 683	815	823									1079
HB 684	816	823	1306	1306	1328						1113 1481
HB 685	816	823									1533 1337 1543
HB 686	816	823	1550	1551	1736	1860	2069	2076		1860	1059 1737 1914 2089
HB 687	816	823	1038	1040	1094	1472	2029	2040		1472	823 1105
HB 688	816	823									1104
HB 689	816	823									1521 1843
HB 690	816	823									1104
HB 691	816	823									950
HB 692	816	823									1113
HB 693	816	823	1280	1287							1104 1524 1543 1609 1631 1830 1857 1918 2024
HB 694	816	823									952
HB 695	816	823									952
HB 696	816	823									950
HB 697	816	823	1384	1390	1504	1830	2089	2099		1830	950 1524 1609 1631 1736 1914
HB 698	816	823	1412	1413	1504	1609				1609	1104 1524
HB 699	816	823	1422	1422	1504	1609	2029	2040		1609	1059 1524
HB 700	816	823									1104 1465

HB 701	816	823									
HB 702	816	823	1038	1041	1094	1513				1513	823 1237
HB 703	816	823									
HB 704	822	952									1059
HB 705	822	952	1800	1800	1856				1803		1059 2049
HB 706	949	952									1113
HB 707	950	952									1328
HB 708	950	952	1306	1308	1328	1595				1595	1113 1339 1518
HB 709	950	952	1482	1484	1532						1059 1544 1833 1857 1918
HB 710	950	952	1341 1568	1341	1504	1841	2050	2057	1383 1568	1842	1113 1525 1621 1737
HB 711	950	952									1113
HB 712	950	952	1416	1418	1504	1610	2089	2099		1610	1318 1524 2131 2183
HB 713	950	952									1113
HB 714	950	952	1412	1415	1504						1104 1738
HB 715	950	952	1526	1527	1585						1104 1738
HB 716	950	952									1113
HB 717	950	952	1238	1242	1328						1079 1481
HB 718	950	952	1496	1502	1532						1305 1544 1833 1857 1918
HB 719	950	952									
HB 720	951	1079									
HB 721	951	1078									
HB 722	952	1078	1422	1422	1504	1631	2069	2126	1632 2108	1634 2108	1113 1521 1524 1610 1914

	Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	En-rolled	Sub. or Amend.	Voting	Other Action
HB 723	952	1078	1422	1447	1504	1635	2050	2054		1635	1113 1524 1610
HB 724	1058	1079	1526	1528	1585	1875			1529	1875	1337 1853 1914 2133
HB 725	1058	1079									
HB 726	1058	1079	1496	1503	1532	1838				1838	1305 1622
HB 727	1058	1079									
HB 728	1058	1079									1521 1843
HB 729	1058	1078									1318
HB 730	1058	1079	1721	1729	1827						1079 1916 1934 2024
HB 731	1058	1079									1105
HB 732	1059	1079	1762	1762	1856	1922	2072	2080		1922	1916 2089
HB 733	1059	1078	1482	1484	1532						1305 1737
HB 734	1059	1078	1482	1485	1532	1833	2072	2080	1833	1833	1305 1479 1544 1914 2089
HB 735	1059	1078	1550	1551	1736	1861					1113 1737 1918 1943
HB 736	1059	1078									
HB 737	1059	1079	1721	1730	1827	1880				1880	1339 1853 1915
HB 738	1078	1105									
HB 739	1078	1105	1412	1415	1504	1610				1610	1337 1524
HB 740	1078	1105	1616	1616	1736						1337 2049

HB 741	1103	1105									1113
HB 742	1103	1105	1550	1551	1736	1861	2069	2076		1861	1737
											1914
											2089
HB 743	1103	1105									1337
HB 744	1103	1105	1550	1552	1736	1861	2069	2099	1861	1861	1113
											1737
											1914
HB 745	1103	1105									1339
HB 746	1103	1105	1721	1730	1827	1879	2072	2080		1880	1853
											1914
											2089
HB 747	1103	1105	1496	1503	1532	1834	2069	2076		1834	1337
											1544
											2089
HB 748	1103	1105									1339
HB 749	1105	1317									1339
HB 750	1105	1113	1306	1310	1328	1596	2050	2057	1596	1596	1518
											1521
HB 751	1105	1317	1562	1562	1736	1863	2064	2069		1863	1481
											1737
											1862
											1914
HB 752	1113	1317	1550	1552	1736	1875	2069	2076		1876	1339
											1853
											1914
											2089
HB 753	1114	1317									1853
HB 754	1114	1317	1716	1716	1827	1880	2069	2126	2103	1880	1880
										1881	1914
										2103	1915
											2127
											2130
HB 755	1114	1317									1339
HB 756	1114	1317									1337
HB 757	1114	1317									
HB 758	1114	1317									
HB 759	1114	1317	1550	1553	1736	1862	2069	2076		1862	1339
											1737
											1914
											2089
HB 760	1114	1317	1823	1825	1856						1339
											2049

	Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	En-rolled	Sub. or Amend.	Voting	Other Action
HB 761	1114	1318									
HB 762	1114	1317									1339 1542
HB 763	1114	1317									1339 1542
HB 764	1114	1318									1915
HB 765	1114	1318									
HB 766	1114	1317									1481
HB 767	1114	1317									1337
HB 768	1114	1113	1761	1761	1856						1113 2049
HB 769	1114	1317	1843	1843	1856				1844		1337 1853 2049
HB 770	1114	1318	1683	1683	1827	1881	2072	2080		1881	1521 1914 2089
HB 771	1114	1113									1113
HB 772	1114	1317									1479
HB 773	1114	1317									1521 1843
HB 774	1114	1317	1526	1530	1585	1838			1838	1841	1479 1622
HB 775	1114	1317	1550	1553	1736	1862	2069	2099	1554	1862	1339 1737 1914
HB 776	1114	1318									
HB 777	1114	1317									1479
HB 778	1236	1317	1562	1563	1736	1876	2089	2099		1876	1481 1853 1914
HB 779	1236	1317									1616
HB 780	1237	1317									1339
HB 781	1237	1317									1339
HB 782	1237	1317									1521 1843
HB 783	1237	1317									
HB 784	1237	1318	1908	1909	1916				1910		1843 2049
HB 785	1237	1317	1545	1547	1736	1863			1863	1863 1869	1479 1737 1852 1862 1865 1867 2133

HB 786	1237	1317	1562	1563	1736	1933				1933	1481 1916
HB 787	1237	1318									
HB 788	1237	1317									1337
HB 789	1237	1317	1568	1578	1736	1876				1876	1521 1853 1914
HB 790	1237	1317	1550	1554	1736	1862	2069	2076		1862	1339 1737 2089
HB 791	1305	1317									
HB 792	1305	1317									
HB 793	1305	1317	1691	1697	1827	1881			1708 1881	1882	1465 1479 1853 1882 1915 2133
HB 794	1305	1318									
HB 795	1305	1317									1521 1843
HB 796	1305	1317	1762	1762	1856						1339 2049
HB 797	1305	1317	1854	1854	1916						1337 2049
HB 798	1317	1339									1521 1843
HB 799	1336	1339	1691	1708	1827	1884	2069	2126	2105	1884 2106	1616 1853 1883
HB 800	1336	1338	1655	1655	1827	1886	2064	2099	1655 2090	1886 2091	1542 1853 1857
HB 801	1336	1338									1542
HB 802	1336	1339	1580	1580	1736	1863	2069	2076		1864	1479 1737 2089
HB 803	1336	1339									1521 1843
HB 804	1338	1481									
HB 805	1338	1481									
HB 806	1338	1481									
HB 807	1338	1481									1525
HB 808	1338	1481									
HB 809	1338	1481									1479
HB 810	1338	1481									
HB 811	1478	1481	1738	1740	1856	1935				1935	1521 1916

	Introduced	Referred	Reported	1st	Readings 2nd	3rd	Senate Message	Enrolled	Sub. or Amend.	Voting	Other Action
HB 812	1479	1481									1521 1843
HB 813	1479	1481	1641	1641	1827	1886	2089	2099	1886	1887	1521 1853 1857 1915
HB 814	1479	1481	1562	1563	~~1736~~						1525 1737 1843
HB 815	1479	1481									1521
HB 816	1479	1481									1521
HB 817	1479	1481	1545	1548	1736	1864				1864	1479 1737
HB 818	1479	1481									1616 1890
HB 819	1479	1481									1519 1521
HB 820	1479	1481	1683	1684	1827	1875		2076		1875	1521 1853 2089
HB 821	1479	1481									
HB 822	1480	1524	1550	1555	1736	1865	2069	2076		1865	1542 1737 2089
HB 823	1480	1524	1655	1655	1827	1888			1656	1888	1542 1853
HB 824	1480	1524	1568	1579	1736	1865				1865	1542 1737
HB 825	1480	1524	1568	1580	1736						1542 2049
HB 826	1480	1524	1641	1642	1827	1888				1888	1616 1853
HB 827	1480										
HB 828	1519	1524									
HB 829	1520	1524									
HB 830	1520	1524									1542
HB 831	1520	1524									
HB 832	1520	1524									1542
HB 833	1520	1524									
HB 834	1520	1524	1550	1555	1736	1866	2069	2076		1866	1542 1737 2089
HB 835	1520	1524	1843	1848	1856				1851		1541 1916 1935 2018

HB 836	1520	1524									1541
HB 837	1520	1524									1542
HB 838	1520	1524									1542
											1843
HB 839	1520	1524									
HB 840	1520	1524									1542
HB 841	1520	1524									
HB 842	1520	1524									
HB 843	1520	1524									
HB 844	1520	1524									1544
HB 845	1522	1544									
HB 846	1522	1544									1623
HB 847	1522	1544									1616
HB 848	1522	1544	1659	1660	1827	1887				1887	1616
											1853
											1857
											1914
HB 849	1522	1544									1616
HB 850	1523	1544									
HB 851	1523	1544									1616
HB 852	1523	1544									
HB 853	1523	1544									1616
HB 854	1523	1544									1843
HB 855	1523	1544									1616
HB 856	1523	1544									
HB 857	1523	1544									
HB 858	1523	1544	1901	1901	1916						1872
											2027
											2048
											2052
HB 859	1523	1544									1623
HB 860	1523	1544	1761	1761	1856	1930	2089	2126	2115	1930	1623
										2116	1916
											2115
HB 861	1523	1544									1616
HB 862	1523	1544	1721	1731	1827	1883				1883	1616
											1853
HB 863	1523	1544									
HB 864	1523	1544	1754	1755	1856	1935				1935	1616
											1915
											1916
HB 865	1523	1544	1780	1780	1856	1937				1937	1616
											1915
											1931
HB 866	1523	1544									1843
HB 867	1541	1544									1623
HB 868	1541	1544									
HB 869	1541	1544									1616
HB 870	1541	1544									

HISTORY OF HOUSE RESOLUTIONS

(Numbers refer to page of House Journal. The text of a resolution is given on first reading or adoption. Joint resolutions are designated HJR; concurrent resolutions are designated HCR.)

		Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Adopted	Senate Message	Enrolled	Other Action
HCR	1	29	61								67
HR	2	29	58	610	619	667					60 544 802
HR	3	10						10			
HR	4	10						10			
HR	5	10						10			
HCR	6	29						38	41	58	
HR	7	29						40			
HCR	8	40	61	646	648	667	947	947	1625	1640	75 801 946 1103
HCR	9	43	61								218
HR	10	56						57			56
HR	11	55									
HR	12	58						59			
HJR	13	61	67	97	97	128	152	152	204	204	94 132 167
HCR	14	75						76	93	132	137
HR	15	75						75			
HR	16	75	78	1562	1564	1736					210 1915 2049
HJR	17	78	97								87 97 109
HR	18	94						126			109 122 125
HJR	19	96	131	646	649	667	811	811	1625	1640	126 207 752 1103
HR	20	132						132			136
HR	21	137						151			152
HR	22	137	203								
HR	23	169						169			

HJR	24	170	203	680	749	752	1592	1592			219 610 953 1100 1107 1297 1332 1466 1505 1539 1590
HR	25	188	233	554	596	656	942	942			273 801 811
HCR	26	189	203	432	439	488					218 439 544 1059
HCR	27	189	203	1067	1071	1094					347 1237
HJR	28	202	203	224	224	256	269	269			212 215 263 271 291
HCR	29	207	210 1317	276 1526	281	307	344	345 2045	1111	2057	236 269 329 334 344 345 367 368 1337 1504 1532 1534 1535 1829 1852 2044 2045 2046 2052

		Intro-duced	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Adopted	Senate Message	Enrolled	Other Action
HJR	30	215	218	372	373	488	1095	1095 2061	2041	2069	272 544 664 670 754 804 938 1047 1095 2061 2131 2133
HR	31	217	235	353	360	474	522	522	1539	1592	267 311 484
HR	32	217	235	1067	1071	1094	1473	1473			273 1105
HJR	33	218	235								
HR	34	233	235					290			267
HR	35	235	263								752
HR	36	235	263	320	321	343	492	492			296 372 492 750
HR	37	262						264			523
HR	38	265	267	353	360	474	600	600			266 267 484
HR	39	265	267	554	596	656	811	811			493 752
HJR	40	270	272								
HJR	41	272	296	1482	1494	1532	1834	1834	2072	2080	484 665 1305 1544 2089
HJR	42	294	296	1683	1688	1827	1884	1884	2069	2076	760 1853 2089

HR	43	291					291			
HJR	44	294	296	1067	1072	1094	1506			760
										1105
										1236
										1479
										1506
HCR	45	296								
HR	46	310					331			
HR	47	310	335	1562	1564	1736				610
										2049
HR	48	311	335							
HR	49	311	335	554	597	656	811	811		347
										752
HCR	50	347	496	824	824	1046	1111	1111	2029	2040 802
										1079
										1519
										1521
HR	51	369	496							1104
HCR	52	369	496	1562	1565	1736	1877	1877	2072	2080 610
										1853
										1915
										2089
HJR	53	371	496	1067	1072	1094	1513	1514	2029	2040 760
										1237
HR	54	371	496					606		544
										605
HR	55	371	496	1562	1565	1736	1934	1934		610
										1915
										1916
HR	56	496	544					605		544
										605
HR	57	524	544					938		760
HR	58	523						524		542
HR	59	609	667							668
HCR	60	609	667	1384	1390	1504	1610	1610	2069	2076 817
										1524
										2089
HR	61	666						753		
HCR	62	674	762	1067	1074	1094	1473	1473	2069	2076 950
										1105
										2089
HCR	63	674	762	1059	1066	1094	1626	1626		817
										1105
										1473
										1506
										1540
										1590
										1914

		Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Adopted	Senate Message	Enrolled	Other Action
HJR	64	674	762	1562	1566	1736					1079
HR	65	760	762	1323	1328	1465	1601	1601			2049 950
HR	66	760	762	1416	1418	1504	1611	1611			1481 1318 1519
HR	67	816	952	1314	1316	1328	1835	1835			1524 1544
HR	68	815						815			
HR	69	816	952								1521
HCR	70	816	952								1318
HJR	71	816	952								1079
HR	72	817	952	1562	1566	1736					1521 2049
HR	73	952	1520								
HR	74	1059	1079	1568 1997	1573	1736					1113
HR	75	1059	1079	1562	1567	1736	1866	1866			1737 1105
HR	76	1114	1339	1721	1733	1827	1884	1884			1737 1339 1853
HJR	77	1115	1338								
HJR	78	1115	1339	1716	1717	1827					1542 2049
HCR	79	1115	1339								
HJR	80	1237	1338								1541
HR	81	1338						1505			1505
HR	82	1338	1481								
HR	83	1338	1481	1562	1567	1736	1933	1933			1525 1916 1933
HR	84	1479	1481	1738	1740	1856	1935	1936			2018 1614
HJR	85	1480	1524	1568	1573	1736					1916 1525
HR	86	1480	1524					1929			2049
HR	87	1480	1524	1568	1573	1736	1866	1866			1843 1525 1737
HJR	88	1520	1524								1915 1542
HR	89	1520						1521			

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HISTORY OF SENATE BILLS

(Numbers refer to page of House Journal. The text of a bill is given on first reading.)

	Senate Message	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Enrolled	Sub. or Amend	Voting	Other Action
SB 1	170	233								823
SB 2	656	610	1762	1770	1856	2027	2126	1771	2027	823 2049
SB 5	1829	1853	1908	1908	1916	2028		2028 2034	2035	1890 2018 2034 2048 2049 2131 2132 2133 2134
SB 9	87	128	322	329	343	492			492	168 372
SB 10	67	128								168 219 272
SB 11	67	128	680	749	752	947	1079		947	168 802
SB 14	185	233	320	321	343	482	492		482	273 347
SB 15	61	128	226	227	256	293	307		293	128 267 309
SB 18	1539	1544	1986	1986	2023	2069	2107		2069	1623 2069 1079
SB 20	87	128								
SB 23	203	233	274	274	307	364	488	276 364 365	365	263 329 332 345
SB 25	67	128	680	750	752	947	1079		948	168 802 949
SB 29	170	233	959	960	1094	1507	1636	961 1507	1507	944 1105 1473 1479
SB 30	203	233	1661	1670	1827	1920	2034		1920	1337 1853 1884
SB 34	1111									

SB	36	185	233							347 1318
SB	37	137	233	1458	1458	1504	1841	2034	1459	1841	544 1622
SB	42	203	233	549	549	656	2052	2126	550	2052	272 824 1294 2050
SB	44	480	496	1641	1643	1827	2028	2052		2028	817 2048
SB	45	128	233	1237	1237	1328	1597		1597 1598	1597	597 1339 1479 1518 1596
SB	46	815	823	1655	1656	1827	1916	2034		1916	1339 1853 1890 1917 2131
SB	47	332	335								347
SB	48	215	233								597
SB	51	290	296	649	650	667	948 1051	2126	1051	1051	544 668 801 948 950
SB	52	67	128	194	196	203	259	263		259	168 210 232
SB	56	307	296	1641	1645	1827	1916	2034		1916	607 1853 1917 2133
SB	57	1504	1524	1901	1901	1916			1907		1542 1621 1915 2018 2114
SB	58	474	372	1641	1649	1827	1916	2034		1917	607 1853 2131 2133
SB	59	170	171	1947	1950	2023					187 1337
SB	60	1295	1318	1641	1649	1827	1934	2052		1934	1337 1916 2131

	Senate Message	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Enrolled	Sub. or Amend	Voting	Other Action
SB 64	1539	1544	1754	1755	1856	2085	2107		2085	1641
SB 68	170	170	1318	1321	1465	1601	1636		1601	2084 544 1481
SB 69	307	296								1521 331 332
SB 70	257	272	549 1827	550	656	2024	2134	1827	2025	760 311 824 1305
SB 72	1504	1524	1771	1772	1856					1916 1525
SB 73	656	609	1238	1243	1328	1835	2034	1835	1835	2049 1079 1544
SB 75	209	233	620 1955	644	667	2084		645		1736 334 802 823 2084
SB 78	1295	1318	1998	2015	2023	2070	2107		2070	2085 1337 2069
SB 81	215	233	281	289	307	489	520		489	2133 270 336 367 477
SB 82	1049	1078								2133
SB 83	215	233								
SB 84	1625	1737	1997	1998	2023	2065				1889 2050 2058 2066
SB 86	269	272	1067	1074	1094	1473	2126	1075	1473	2069 817 1105

SB 87	230	235	382	420	488	1329	1467		1329	347 667 759 805 940 1047 1095 1107 1296
SB 90	656	610	1080	1081	1106	1518	1592		1518	823 1339 1521
SB 91	307	335	1526	1530	1585	1864	2034		1864	1059 1622 1841 1858
SB 94	364	372	1384	1390	1504	1858	2134	1858	1858	607 1622 1841 1852 2116 2121
SB 99	1111	1318	1741	1741	1856	2025	2126	1742 2025	2026	1337 1852 1916 2018 2133
SB 100	480	496	1029 1854 1955	1037	1094	2028	2134	1038	2028	802 1339 1869 1890 2024 2048
SB 105	290	272	499	507	597	948	1079		948	801
SB 106	1339	1481	1754	1756	1856	2029	2052		2029	1616 2049
SB 108	1328	1339								1641 1843
SB 109	1625	1737	1972	1972	2023	2070	2107		2070	2069
SB 110	1078	1105	1550	1560	1736	1867	2034		1867	1339 1737 1890
SB 111	497	544	1979	1979	2023	2070	2107		2070	823 2069
SB 112	544	610	832	880	1046	1112	1302		1112	817 1079 1519

	Senate Message	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Enrolled	Sub. or Amend	Voting	Other Action
SB 114	364	372	1083	1090	1106	1635	2126	1635 1830 1831	1831 2068	1059 1524 1543 1611 1635 1736 1914 2046 2057 2067 2068 2131 2133
SB 117	497	544	953	953	1094	1518		953	1518	802 1339
SB 119	544	610	1067	1077	1094	1474	1522		1474	817 1105
SB 122	1539	1544	1983	1983	2023	2072	2107		2072	2069 2071 2133
SB 124	497	544	1580	1583	1736	1867	2034		1867	1059 1737
SB 125	938	952	1710	1711	1827	2029	2052		2029	1105 2048 2127
SB 126	364	372	649	651	667	948	1079		949	544 801
SB 127	938	952	1813	1814	1856	1931	2052		1931	1105 1916
SB 128	544	609	959	961	1094	1474	1522		1474	823 1105
SB 130	474	371	1710	1711	1827	1871	2034		1871	1079 1853 1914
SB 131	480	496								1890
SB 132	815	823								1305
SB 133	480	496	1979	1980	2023	2071	2107	1981	2071	1890 2069

SB 135	815	823	1080	1081	1106	1587	2134	1587	1587 2099	949 950 1106 1524 1587 1829 1852 1914 2048 2098 2133
SB 137	497	544	790	793	937	1474	2034	1474	1475	674 1105 1316
SB 138	1857									
SB 142	1295	1317	1890	1890	1916	2078	2107		2078	1337 2069
SB 143	815	823	1691	1710	1827	1920	2034		1920	1079 1853 1884
SB 146	1295	1317	1812	1813	1856	2029	2052		2030	1337 2049
SB 150	753	762	1384	1391	1504	1611	1828		1611	817 1524
SB 151	938	952	1955	1955	2023	2071	2107		2071	1305 2069
SB 152	364	372	1384	1396	1504	1611	1828		1611	607 1524
SB 153	480	496	1384	1396	1504	1612	1828		1612	760 1524
SB 154	364	372	1384	1398	1504	1612	1828		1612	607 1524
SB 155	480	496	1384	1398	1504	1612	1828		1612	760 1524
SB 156	1078	1105	1986	1990	2023	2071	2126	1991	2071	1481 2069 2133
SB 157	332	335	1550	1560	1736	1869	2034		1869	368 667 1737 1890
SB 158	544	609	1721	1733	1827	1930	2034		1930	802 1853 1884 1921 1923

	Senate Message	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Enrolled	Sub. or Amend	Voting	Other Action
SB 159	753	762	1754	1757	1856	2051		2051	2052	1479 1916 2024 2026 2049 2105 2121 2125 2126 2133
SB 165	1078	1105	1710	1712	1827	1871	2034		1871	1481 1853 1914
SB 166	1504	1524	1974	1974	2023			1978		1641
SB 168	815	823	1659	1660	1827	2030	2052		2030	1079 1915 2018 2049
SB 172	480	496	832	934	1046	1112	1302		1112	607 1079 1519
SB 173	1936	1947	1974	1974	2023	2076	2138	2077 2078 2126	2078 2126	2069 2072 2123 2125
SB 175	1328	1339	1803	1810	1856	1922	2034		1923	1542 1916
SB 176	753	762	1754	1758	1856	2024	2126	2025	2024 2025	1337 1479 1916
SB 177	1111	1317	1754	1758	1856	1923	2126	1923 1924	1924	1542 1915 1916
SB 178	656	609	1028	1028	1094					817 1104 1105 1475
SB 179	938	952	1661	1675	1827	1871	2034		1871	1059 1305 1853

SB 181	753	762	1641	1651	1827	1916	2034		1917	1113 1853 2131 2133
SB 182	815	823	1661	1681	1827	1918	2134	1918	1918	949 1305 1853 1872 2131 2133
SB 183	1504	1541	1716	1718	1827	1872	2034		1872	1542 1853
SB 185	753	762	1384	1399	1504	1613	1828		1613	817 1524 1614
SB 186	1111	1317	1580	1583	1736	1870	2034		1870	1737
SB 188	480	496	1616	1620	1736	1937	2126	1621	1937	817 1479 1505 1521 1916 1934 1936 2133
SB 189	1339	1481								1641
SB 191	1111	1317	1526	1531	1585					1622 1890
SB 193	815	823	1460	1465		1467	1522		1467	950 1467
SB 194	1339	1481	1683	1688	1827	1884	2126	1689	1885	1521 1852 1853
SB 197	1339	1481	1891	1891	1916	2030	2107	1899	2030	1521 1616 2133
SB 199	1832	1853	1997	1998	2023	2085	2107		2085	1856 2084 2133
SB 200	1295	1317	1738	1741	1856	1931	2052		1931	1641 1916 2131
SB 203	761	762	1655	1657	1827	1916	2034		1917	1059 1853

	Senate Message	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Enrolled	Sub. or Amend	Voting	Other Action
SB 204	753	762	1721	1734	1827	1919	2034		1919	952 1853 1872 2131 2133
SB 205	1513	1616	1741	1742	1856					1641 1852
SB 206	938	952	1409	1409	1504	1926	2134	1411 1926 1927 2104 2105 2129 2130	1926 2105 2130	1305 1543 1621 1737 1852 1858 2018 2041 2050 2066 2104 2121 2123 2127 2129 2130 2131
SB 208	668	762	1771	1772	1856	1932	2052	1932	1932	823 1916 2018
SB 210	815	823	1661	1670	1827	1919	2107	1919	1920	1305 1852 1853 1872
SB 211	1295	1317								1339
SB 214	815	823	1659	1660	1827	2030	2052		2031	1079 2049
SB 215	753	762	1659	1661	1827	2031	2134	2031	2031	1079 1852 1915 2049

SB 216	1513	1922	1996	1996	2023	2053	2091		2053	2050 2131
SB 217	1328	1339								1525
SB 219	1111	1317	1661	1681	1827	1872	2034		1872	1541 1853 2130
SB 220	1829	1853	1992	1992	2023	2072	2134	2072 2124	2073 2125	2069 2116 2121
SB 222	815	823	1384	1401	1504	1613	1828		1613	950 1524
SB 223	1504	1524	1661	1682	1827	1872	2034		1872	1852 1853
SB 224	1513	1616	1754	1759	1856	2024	2052		2024	1616 1916
SB 225	1513	1616	1754	1760	1856	2024	2052		2024	1616 1916
SB 226	815	823	1655	1658	1827	1916	2034		1917	1059 1853 2131
SB 227	1295	1318	1908	1911	1916	2031	2107	2031	2032	1890 2018
SB 228	815	823	1955	1955	2023			1957		1641
SB 230	761	762	1683	1689	1827	1873	2034		1873	950 1853
SB 233	1936	1947	1998	2013						
SB 234	1513	1616	1803	1810	1856	2024	2052		2024	1616 1916
SB 236	1328	1338	1773	1773	1856	1924	2126	1775 1924 1925 1926	1925	1541 1852 1915 1916 2018 2133
SB 238	1513									
SB 239	1078	1105	1965	1965	2023	2073	2107		2073	1481 2069
SB 241	1832	1853	1967	1967	2023	2073	2107		2073	1890 2069
SB 242	1869	1890	1998	1998	2023	2058	2091		2058	1890 2050 2054 2055

	Senate Message	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Enrolled	Sub. or Amend	Voting	Other Action
SB 244	1829	1853	1998	2002	2023			2003		1856
SB 245	1049	1078								
SB 246	1539	1544	1971	1971	2023	2074	2126	1972	2075	1843 2069 2074
SB 247	1504	1524	1813	1814	1856	1928	2052		1928	2133 1623 1916 1927
SB 249	1339	1481	1641	1652	1827	1873	2034		1873	2131 1521
SB 250	1504	1524	1813	1817	1856	2086	2107		2086	1853 1544 2084
SB 251	1625									2133
SB 252	1504	1524	1813	1818	1856	2086	2107		2086	1544 2084
SB 254	1883	1915	1961	1961	2023	2054	2091		2055	2133 2050 2131
SB 255	1078	1105	1661	1683	1827	1873	2034		1873	2133 1305
SB 256	1339	1481	1979	1981	2023	2055	2091		2055	1853 1641 1890 2050 2131
SB 257	1339	1481	1641	1652	1827	1874	2034		1874	2133 1521
SB 259	2018	2018	2019	2019	2023	2065	2126	2022	2065	1853 2050 2055 2058
SB 260	1328	1338	1550	1561	1736	1830	2034	1562	1830	2133 1737
SB 262	1295	1317								1829 1337
SB 263	1295	1318	1641	1653	1827	1874	2034		1874	1543 1337
SB 264	1328	1338	1780	1781	1856	1927	2034		1927	1853 1623 1916

SB 267	1339	1481	1741	1742	1856	1927	2034		1927	1521 1916
SB 269	1513	1921	1985	1985	2023	2055	2134	2055 2056	2055 2128	2050 2105 2121 2125 2127 2131
SB 271	1625									1890
SB 273	1513	1921								
SB 274	1504	1524	1823	1826	1856	1928	2034		1928 2131	1623 1916
SB 275	1533	1544	1741	1743	1856	2035	2126	1747	2035	1616 2033
SB 276	1533	1544	1965	1966	2023					2049 1623 2018
SB 277	1539	1544								2049 1337
SB 278	1504	1524	1947	1950	2023	2084	2107		2084	1641 1616 2084
SB 280	1504	1524	1661	1661	1827	1874	2126	1668	1874	2133 1541
SB 281	1504	1524	1661	1683	1827	1870	2126	1870	1870	1853 1541 1852
SB 282	1936	1947	1954	1954	2023	2075			2075	1853 2138 2069
SB 285	1513	1544								1616
SB 286	1539	1544	1985	1985	2023					1616
SB 287	1504	1524	1953	1953	2023					1542
SB 289	1829	1853	1995	1996	2023	2083	2107		2083	2069 2075
SB 290	1295	1317	1960	1960	2023	2076	2138	1960 1961	2076	1525 2069 2123 2138
SB 291	1328	1339	1853	1853	1916	2033	2052		2033	1843
SB 294	1876	1890	1998	2003	2023					1890
SB 295	1504	1524	1780	1789	1856	1928	2034		1928	1623 1916 2131

	Senate Message	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Enrolled	Sub. or Amend	Voting	Other Action
SB 296	1513	1544	1901	1907	1916	2033	2052		2033	1890
SB 297	1513	1544	1967	1969	2023	2076	2107		2076	2069
SB 298	1504	1524	1780	1782	1856	1929	2052		1929	1623 1916 2131
SB 301	1832	1853	1900	1900	1916	2078	2107		2078	1890 2069
SB 302	1876	1889	1947	1950	2023					1890 2049
SB 305	1513	1544	1974	1979	2023					1616
SB 306	1513	1544	1986	1991	2023					1623
SB 312	1883	1915	1974	1974	2023	2079		2079	2079	2018 2069
SB 313	1876	1889								1890
SB 315	1883	1915	1953	1953	2023	2080		2080		2049 2069 2081 2088 2090 2133
SB 323	1836	1852	1986	1991	2023	2081	2107		2081	1946 2069
SB 324	1829	1852								
SB 329	1936	1947	1967	1970	2023					
SB 331	1857	1890	1998	2005	2023	2053	2091		2053	1890 1915 2018 2049 2050
SB 332	1857	1890	1998	2008	2023	2053	2126	2053	2054	1890 2049
SB 334	1936	1947	1947	1947	2023	2064	2134	2065	2065	2049 2050 2058
SB 335	1919	1915	1972	1973	2023	2082	2107		2082	2069 2131
SB 336	2029									
SB 343	1836	1843 1853	1855	1855	1916	2035	2052		2035	1856 2033 2048
SB 345	1876	1889	1992	1994	2023	2082	2107		2082	1890 2069
SB 347	1876	1889	1985	1985	2023	2082	2107		2082	1890 2069 2133

HISTORY OF SENATE RESOLUTIONS

(Numbers refer to page of House Journal. The text of a resolution is given on first reading or adoption. Joint resolutions are designated SJR; concurrent resolutions are designated SCR.)

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SCR 1	67	170	1416	1419	1504	1613	1613	1828	272 1524
SJR 9	170	171	298	298	330	480	481	492	210 268 347 368 480
SJR 16	307	335	1083	1093	1106	1514	1514	1592	1059 1237
SCR 22	332						333		
SCR 29	1919	1921	1967	1969	2023	2083	2083	2107	2069
SJR 30	1539	1544 1921	1947	1952	2023				1616
SR 34		1922	1995	1996	2023	2083	2083	2107	2069
SJR 39	1876	1889	1965	1967	2023				1890 1916
SJR 50	1539	1544	1983	1984	2023	2058	2058	2091	2050
SJR 51	2069								
SJR 60	1876	1889	1947	1952	2023				1890
SCR 71	2052						2085		2084
SCR 75	2064								

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Licensure, fingerprint requirement–HB 757
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Malt beverage trading areas–SR 30
Motor vehicles, transport in passenger compartment–HB 340
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Retail premises, visibility from street–HB 20
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